

KENNETH JEROME PACKNETT
C-94858 1-N-37-L
SAN QUENTIN STATE PRISON
CSP-SAN QUENTIN
SAN QUENTIN, CA 94974

ORIGINAL
E-filing

FILED

MAY 16 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PLAINTIFF PROCEEDING PRO SE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CV 08

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JF

KENNETH JEROME PACKNETT, on be-)
half of himself and all others)
similarly situated;)

CASE NO.

Plaintiff

CIVIL RIGHTS COMPLAINT (PR)

-VS-

Deliberate Indifference
to Serious Medical Needs,
i.e Denial of Food, result-
ing in "Physical Injury:"

S. PATRAKIS, individually and)
in her official capacity as)
"Associate Warden," San Quentin)
State Prison; S.J. MENDOZA,)
individually and in his official)
capacity as "Warden(A)", San)
San Quentin State Prison;)
R. FOX, individually & in his)
official capacity as Correctional)
Captain, "Search Commander,")
San Quentin State Prison;)
M. IANNONE, individually and in)
his official capacity as Correc-)
tional Sergeant "Search Leader,")
San Quentin State Prison)
ROBERT AYERS, JR. individually)
and in his official capacity as)
"Warden," San Quentin State Pri-)
-son; N. GRANNIS, individually)
and in his official capacity as)
Chief, Inmate Appeals, Califor-)
-nia Department of Corrections.)

Intentional Retaliation &
Group Punishment;

Conspiracy to Deprive &
Interfere with Civil Rights:

The Ku Klux Klan Act of
1871. Title 42 U.S.C. Sec-
tion(s) 1983, 1985(2) & (3)
1986, 1988:

Title 28 U.S.C. Section(s)
1331, 1343, 1367, 1391,
2201 & 2202; California
Penal Code Section(s) 2600,
5058; California Code of
Regulations 3287(a)(2) &
(a)(4):

DEMAND FOR JURY TRIAL:

1st, 8th & 14th Amendments
to United States
Constitution:

Defendant(s)

1.

ORIGINAL

I

J U R I S D I C T I O N

1. This civil rights action is authorized by The Ku Klux Klan Act of 1871, Title 42 U.S.C. Section(s) 1983, 1985(2) & (3) 1986 & 1988; for Declaratory & Injunctive Relief; as well as for "Monetary Damages," for act arising under the First, Eighth & Fourteenth Amendment to the United States Constitution.

2. The jurisdiction of this Court is predicated on Title 28 U.S.C. Section(s) 1331, 1343, 2201 & 2202.

3. This Court has pendent jurisdiction pursuant to Title 28 1367, California Penal Code Section(s), 2600, 5058. to adjudicate claims arising under independent state law, arising under Calif- -ornia Law.

4. "Venue" is proper in the Northern District of California pursuant to Title 28 U.S.C. Section 1391, as events giving rise to Plaintiffs claims occurred in this district.

5. the matter in controversy exceeds, exclusive of interest and cost, the amount of \$1, 000,000.00 dollars, as will subsequently appear.

II

P L A I N T I F F

6. Plaintiff Kenneth Jerome Packnett, C-94858, 1-N-37-L on behalf of himself, is and at all time mentioned, a citizen/prisoner, in custody of the California Department of Corrections & Rehabilitation, presently housed at San Quentin State Prison, North Block. Facts giving rise to this complaint have been exhausted from Informal through the Director of Corrections, Local Log #SQ-03-07-00799; IAB Case #061800.

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III

D E F E N D E N T S

7. Defendant S.J. Mendoza, is and was at all times relevant as **Warden, "Acting,"** at San Quentin State Prison. Defendant Mendoza is charged with approving a "destructive" and "sweeping cell search of **"North Block Housing Unit."** This search took in an **Enraged Frenzy,** and caused Plaintiff to **suffer permanent & physical injury.** Plaintiff, is an **"Insulin Dependent Diabetic** who Defendants **Denied & Refused to Provide Food** to Plaintiff for more than **Five (5) Hours;** Plaintiff suffered a **Kethacide Reaction.** Plaintiff was dignosised with **Congestive Heart Failure** three (3) days later.

8. Defendant S. Patrakis is and was at all times relevant as **Associate Warden,"** at San Quentin State Prison; is charged with directly **authorizing subordinate staff** to conduct a "Sweeping & Catch All Destructive Cell Search of North Block. Defendant, Patrakis ordered Defendants **Fox and Iannone** to **Take the Gloves Off and Tear it Up!"**

9. Defendant **R. Fox** is being sued in his individual and official capacity as **Correctional Captain,** and as **Search Commander,** of the "North Block Housing & Cell Search." Defendant Fox is charged with "Personally jumping in **arm deep** demonstrating how to tear up inmate cells; Defendants Fox personally demonstrated to the search team how to conduct a **destructive cell & housing Unit search.**

10. Defendant M. Iannone is being sued in his individual and official capacity as **Correctional Sergeant** and is charged with being responsible as the **Search Leader,** organizing and

1 coordinating search parameters shift by shift. Defendant Iannone
2 directed shift Sergeants to continue the destructive search
3 tactics on second and third watch.

4 11. Defendant Robert Ayers, Jr., is being sued individually
5 and in his official capacity as Warden San Quentin State Prison.
6 Defendant Ayers is responsible for failure to establish a policy
7 to address the immediate needs of the Plaintiff and a class of
8 Diabetic prisoners medical needs.

9 12. Defendant N. Grannis is being sued individually and in
10 his official capacity as Chief, Inmate Appeals, Department of
11 corrections & Rehabilitation. Defendant Grannis is legally re-
12 sponsible for ensuring active compliance with of San Quentin
13 and each individual prison protocol for the treatment and care
14 of Diabetic prisoners. Defendant Grannis dismissed Plaintiff's
15 report of a Kethacide Reaction, as being a little dizzy and
16 experiencing slight swelling.

17 13 Each Defendant is sued individually and in his/her offi-
18 cial capacity. At all times mentioned, each defendant acted
19 under the color of authority and conspired to deprive and inter-
20 fere with the Plaintiff's civil rights.

21 14. Defendants and each of them, are at all times mentioned
22 have been agents, employees of one another with the California
23 Department of Corrections & Rehabilitation, California State
24 Prison at San Quentin. In doing the acts complained of herein,
25 have been acting within the course, scope and employment of San
26 Quentin State Prison.

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IVDEFENDANT(S) PATRAKIS, FOX & IANNONE

1) On or about October 25, 2006, around 0630 hours, some Methadone medication was stolen from the North Block/Nursing Station. Upon discovery, MTA Jones, North Block Nursing Station, notified the 2nd/Watch Sergeant and Lieutenant. The North Block Captain and subsequently Defendant Patrakis, Associate Warden, was notified as well. But, not long afterward, the inmate who had stolen the methodone, turned himself in, returning some but not all of the methodone pills. Collective Custody Staff initiated a total lockdown of north Block and a complete search of the building was ordered and subsequently initiated.

2) Control of the North Block Cell & Building Search, was initially begun by building staff and officers from other units. Defendant Patrakis was not receptive to the manner in which the search was being carried out. Defendant Patrakis ordered Defendant Fox to assume operation and overall control of the actual search. defendant Fox immediately ordered staff from Donner and Carson Blocks to respond to North Block for search duty. The instructions from Defendant Patrakis was "Take the gloves off and tear it up!"

3) Defendant Patrakis designated Defendant Fox as "Search Ccommander and Defendant Iannone was responsible as shift to shift search leader and responsible for maintaining continuity of search parameters on both shifts. Defendant Fox immediately removed his class A Uniform in exchange for a prison guard jumpsuit and personally demonstrated to unidentified search officers, how to trash the cells & cellblock during the search. Defendant

1 Fox is again charged with "jumping in arms deep and demonstra-
2 ting how to tear up inmate cells!

3 V

4 P L A I N T I F F A L L E G A T I O N S

5 4). Following resumption of the search, on October 26, 2006
6 Plaintiffs tier had not been searched yet as the search team
7 started from the fifth working their way down. On October 26,
8 2006, at approximately 1800 hours, Plaintiff received his Blood
9 Fingerstick and insulin injection. Plaintiff is a Type II
10 Insulin Dependent Diabetic and receives insulin twice a day,
11 Plaintiff is also inflicted with "Kidney Insufficiency; Chronic
12 Asthma & Significant Hyertension; Angina; Major Depressive Dis-
13 order with Psychotic features.

14 5) Following the insulin injection, about 1830 hours, Plain-
15 tiff and numerous prisoners on the first tier started yelling
16 and requesting dinner! These request were made over and over
17 and over. The search team that was part of the cleani-up crew
18 out on the first tier, repeatedly kept saying and "You'll go
19 in twenty minutes..we are almost through with the second tier...
20 first tier get ready for chow in ten minutes....and these state-
21 ments kept being stated ove and over again. None of the Search
22 Officers on the first floor would provide their names; would
23 not stop to answer names, when yelling out that I was a diabetic
24 and needed to eat, I was told they would bring bag lunches;

25 6). Each time one of the search team officers would respond
26 to our yelling, then I got caught up in waiting and waiting think-
27 ing we were going to chow any minute, but those minutes turned
28 out to be five (5) hours. On October 26, 2006 at approximately

1 2215 to 2230, Plaintiff's tier, (1st Tier of North Block) was
2 released to the main chow hall for feeding. Feeding at this
3 time of night was unusual and highly irregular. The time Plain-
4 tiff spent in the chow hall following the completion of dinner
5 was another four (4) to five (5) hours. it was extremely cold,
6 of course you have steel stools or standing up against the wall.
7 Here, Plaintiff stood more than he was able to sit down.

8 7). On October 27, 2006, at approximately 0730 hours, Plain-
9 tiffs tier was stripped out, on the outside of the building,
10 given an unclothed body search. Upon conclusion of the body
11 seearch, Plaintiff received his fingerstick and insulin. Plain-
12 tiff then discovered swelling of his lower calve, shin and
13 feet area. Plaintiff promptly notified MTA's Rick Williams who
14 stated that if the swelling didn't go down by the next pill call,
15 to notify the MTA. Plaintiff received chow and was then ordered
16 to the San quentin Lower Yard. 1/

17 8). Time spent on the lower yard was in direct sunlight, as
18 Plaintiff was unable to sit on steel stools, unable to rest or
19 doze on wooden stage or concrete next to lower buildings. Alot
20 of time was against spent standing up, in the sun until the Plain-
21 tiff was exhausted. Plaintiff returned to the upper yard and
22 attempted to rest in the shade. But attempted also to sit on
23 a stone bench until ordered off by a belligerent seargeant.
24 While returning to under the shed, two captains observed the
25 Plaintiff, asked him was he alright? Plaintiff stated that he
26 was not and pointed out that he was extremely weak in the legs.
27 1/ /San Quentin prison had 2 Mainline Yard, Upper or Lower;
Upper Yard has Shade under a huge aircraft hanger, Lower yard
has no shade

1 9). Both Captains ordered Plaintiff to have a seat and wait
2 for Med 1. Upon arrival, Plaintiff was transported to the Infi-
3 mary. At approximately 1530 hours, Plaintiff was treated by
4 the TTA, (Senior RN, 3/Watch). Plaintiff reported and was ob-
5 served with swollen feet and calves. AN EKG was performed,
6 "Blood Sugar Spiked, 355." [Exhibit A] Plaintiff was advised
7 that no physician was on hand and directed to return to his unit
8 and elevate his feet. Upon return the first tier search had
9 been completed. Plaintiff's cell was ransacked, trashed, store
10 bought items smashed, broken up, with endearing boot prints
11 heavility imprinted to possibly remind Plaintiff of the unchecked
12 & unlimited authority prison administrators possess and can un-
13 lease at any time. No Cell Search Receipt was left; Plaintiff
14 never discovered which officer or officier(s) searched his cell.

15 10. From October 27, 2006 to October 30, 2006, no physician
16 was on active duty. This precluded plaintiff from seeing a phy-
17 sician until Monday, October 30, 2006. Plaintiff suffered an
18 accelerated increase in swelling of feet, ankles, calves, lower
19 thighs, right/left hands, arms and face. All of the RNs advised
20 Plaintiff over the weekend to rest in his cell and to elevate
21 his feet.

22 11). Plaintiff advised physician of the accelerated increase
23 in swelling, intense and tremendous pressure on Plaintiff's chest.
24 Plaintiff described the intense pain he felt when laying on his
25 back; Plaintiff reported that it took roughly five minutes to
26 move from supine, to side to upright position. Dr J. Daszko,
27 MD. License #G72880, called for a "Code 2 Ambulance response."
28 Plaintiff was transferred to **Marin General Hospital** and admitted.

1 Hospital Admittance, "904317047; #02-17-09-20: Plaintiff was
2 diagnosed with "Congestive heart Failure," elevated hyperten-
3 sion and blood sugar. [Exhibit B]
4 12). On November 2, 2006, at approximately 1700 hours, Plain-
5 tiff was discharged from Marin General; swelling to upper and
6 middle body had decreased, blood pressure, blood sugar and blood
7 chemistry were all good. Plaintiff has been diagnosed with
8 "Congestive Heart Failure, Edema, mild moderate and/or severe
9 depending what activity Plaintiff may engage in that day. Edema
10 is present 24 hours per day and if any body part remains in
11 contact with any object, deep indentations occur and are clearly
12 visible, Pitting Edema, Congestive Heart Failure has caused endur-
13 ing pain, remains a both permanent and physical injury. Impact
14 upon existing chroni ailments, i.e., "Significant Hypertension,
15 Kidney Insufficiency, Chronic Asthma, Deterioration of Leg, Thigh,
16 hand muscles and nerves. Since then, Defendants have made light
17 of Plaintiff injuries refusing to acknowledge that the Denial
18 of Food for Five (5) Hours can be factually traced to a Kethacide
19 Reaction.

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VI

CDC 602 INMATE APPEAL

SQ-03-07-0700799

A). INFORMAL LEVEL

1. On October 28, 2006, Plaintiff filed a CDC-602 Inmate Appeal challenging (a) Search was conducted in an ENRAGED FRENZY (c) No Staff Accountability, search receipts, or staff identification. [Exhibit C] On October 30, 2006, Chanderly/W. Jepperson, Appeals Coordinator(s), rejected appel from being filed at the first level of review; Both appeal coordinators directed Plaintiff to send it to "Property C/O," whoever that may have been. [Exhibit D] Plaintiff then filed a challenge to the screening decision, "Inadequate Evaluation to to forward what should be the first level of review to an unknown property officer. [Exhibit E] Following appeals coordinator's rejection of that request, Plaintiff submitted the appeal o the Chief, Inmate Appeals.

2. Plaintiff challenged improper screening decision, Destructive search and Denial of Food for Five (5) Hours, following and insulin injection. [Exhibit F] Inmate Appeals Branch to resubmit the appeal to the appeals coordinator for review and the informal level was bypassed.

B) FIRST LEVEL RESPONSE

1. First Level of Review was "Partially Granted. Hearing Officer seemed content to focus on some minute property, that was submitted to show the totality of Defendant activities. hearing Officer contends that some Unknown Individual stated that, "Your medical issues were not related to the search.

1 Hearing Officer does go on to state, "Although "there were some
2 errors in the manner that staff conducted the search, it was
3 by no means an improper search." Plaintiff did sign off on
4 that property in question that was destroyed, but the medical
5 complaint remained at issue. [Exhibit G]

6 C). SECOND LEVEL REVIEW REQUESTED, (see Section F, Exhibit
7 C)

8 1. Plaintiff noted that even though the first level response
9 was thoughtful and eloquently written, that compensation could
10 not yet be determined. Plaintiff requested identification of
11 prison officials who ordered that Plaintiff first tier feeding
12 be delayed. Plaintiff also stated, "Denial Of Food was Medically
13 Necessary, but was impermissibly delayed for Non Medical Rea-
14 sons." [Exhibit C] (Section F)

15 D). SECOND LEVEL RESPONSE

16 1. Second Level response mirrors that of the first level;
17 "The compelling evidence and convincing argument presented has
18 been established; and that medical staff was contacted and
19 indicated that appellant's medical condition was not related
20 to the search." Denial of Food for a Diabetic following
21 an insulin injection will cause serious injury! Failure to
22 provide food will prevent a diabetic from regulating blood sugar,
23 can be potentially fatal or cause Kethacide Condition. [Exhi-
24 bit H]

25 2. Second level response authored by Defendant Ayers, is
26 (a) Silent on identity of so-called medical personnel who could
27 not have been qualified to make a claim on the injury Plaintiff
28 suffered; (b) Silent on time that Plaintiff's tier was fed;

1 (c) Silent or didn't deny that Plaintiff received his insulin
2 injection at 1800 hours; (d) Silent on the identification
3 of staff member who was on-scene supervisor; (e) Silent on
4 identification of existing Diabetic Protocol that was in place,
5 if any, on "October 27, 2006; (f) Even silent on how may dia-
6 betics were housed in North Block; (g) Intentionally failed
7 to provide a complete or accurate account of factual circumstan-
8 ces that led to Plaintiff's permanent injury.

9 E). DIRECTOR'S LEVEL REVIEW REQUEST

10 1. Plaintiff's statement was fact specific (a) Denial of
11 Food following insulin injection for five (5) hours; (b) Plain-
12 tiff challenged Defendant Ayers reply as being disingenuous,
13 baseless and couched in terms of deception; (c) intentionally
14 withheld identification of crucial search leaders, individual
15 correctional officers and civilian staff; (d) Defendants refused
16 to provide medical care to a class of Diabetic prisoners; re-
17 fused to implement diabetic protocol for feeding after insulin
18 injection and as a result...caused emergency room treatment,
19 hospitalization and permanent injury, lifetime injury!

20 F). DIRECTOR'S LEVEL APPEAL DECISION

21 1. Defendants also contend that Plaintiff's medical problems
22 were not caused by the search. Defendants misdirect focus from
23 the "Denial of Food by ignoring that fact and focuses on "minor
24 swelling and dizzines. Here, Plaintiff immediately notified
25 medical staff of leg swelling at approximately 0730; Defendants
26 are readily aware that it was two senior associate wardens who
27 recognized the need for a prompt evaluation and emergency treat-
28 ment. Diabetic reaction or "Kethacide Condition." Plaintiff

1 was week in the knees, thighs, dizzy, elevated blood sugar,
2 "355" disorientated and weak. Plaintiff clearly had an estab-
3 lished right not to be deprived of food while Defendants con-
4 ciously ignore the timing of facts, i.e. "insulin injection
5 at 1800; feeding at 2200 hours; return to cell at 0200 hours;
6 released for strip out at 0730 hours; reporting swollen legs
7 and lower extremities at 0740; Disorientated at 1530 hours,
8 sent to infirmary with increased swelling and chest pressure
9 from that point until hospital admission. [Exhibit I]

10 2. Defendant Grannis decision is rife with misleading infor-
11 mation, again, clearly presented to misdirect or impede factual
12 investigation. Plaintiff was in pain and suffering mental an-
13 quish constitutes cruel and unusual punishment in violation
14 of the Eight Amendment to the United States Constitution. De-
15 fendant Grannis knows that duty of care existed at the time
16 of the search and that subordinate defendants breached that
17 duty, causing plaintiff permanent injury. Defendant Grannis
18 knew that San Quentin defendants had failed to establish an
19 official policy and procedure to ensure feeding for diabetic
20 prisoners following insulin injection to prevent Diabetic Rea-
21 tion. On January 31, 2007, a memorandum authorizing Diabetic
22 Early release was implemented. [Exhibit J]

23 3. Failure of Defendants to establish a policy to address
24 the immediate medical needs of the Plaintiff and a class of
25 Diabetic Prisoners with multiple and chrono ailments that creat-
26 ed permanent injury and is sufficiently obvious to establish
27 department liability; the failure to establish a Diabetic Pro-
28 tocol for early release for meals following insulin injection

1 is a monumental omission in the Defendant and Deparmental pro-
2 gress with the evolving standards of medical care, for diabetic
3 prisoners.--

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6 VII

7 C O N C L U S I O N

8 1. the acts of actual retaliation directed at Plaintiff
9 and prisoners of North Block overwhelmingly exceeded that which
10 was neceswsary to achieve a legitimate im. Defendants actions
11 and the "Enraged Frenzy" effected, reflected a callous indif-
12 ference to serious medical needs of Diabetic prisoners. The
13 Plaintiff's contraction of "Congestive heart Failure, Chronic
14 Edema, Muscle & Nerve Deterioration flow from Defendants failure
15 to feed plaintiff following insulin injection.

16 2. Multiple medication have been added to an already large
17 regimen, i.e. medications for Congestive Heart Failure, numerous
18 lasic medication, chronic swelling of lower extremities, legs
19 and thighs; intermittent time during day where selling and pain
20 dictates how much activity Plaintiff may engage in that day.
21 Kethacide Reaction causes daily pain, mental anguish, emotional
22 distress and depression.

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FIRST CAUSE OF ACTION

RETALIATION & GROUP PUNISHMENT

Plaintiff incorporate by reference allegations contained in Counts I thru VII as though fully set forth verbatim, at this place;

1 Defendants patrakis, fox, and iannone did, with specific intent, motive and scheme authorize subordinate prison guards to inflict massive group punishment and purposeful retaliation;

Defendants Patrakis, Fox and Iannone authorized subordinate (unknown) prison guards to engage in act not lawful in nature and in roles that exceeded the scope of their official duties.

2).- Application of the North Block Housing Search was nothing more than an exercise of uncontrollable rampage and destruction of property, en masse; Said acts are patently unconstitutional and in violation of the "Ku Klux Klan Act of 1871, Title 42 U.S.C. Sections 1983, 1985(2) & (3) and the First and Fourteenth Amendments to the United States Constitution;

3).- Plaintiff suffered severe emotional injury, emotional distress, anxiety and fear. The acts, practices and omissions of Defendants Patrakis, Fox and Iannone were committed with specific intent; as well as setting in motion a series of acts which would cause others to inflict constitutional injury, in violation of the "Conspiracy Clause of Title 42 U.S.C. 1983 and in violation of the Conspiracy Clause of Title 42 U.S.C Section 1985(2) & (3); and the First, Eighth and Fourteenth Amendments to the United States constitution.

1 WHEREFORE, Plaintiff demands judgment against Defendant(s) b
2 Patrakis, Fox, Iannone, jointly and severally, for 4
3 a Compensatory Damages in the amount of \$1,000,000.00
4 dollars;
5 b Lifetime medical insurance for the rest of plaintiffs
6 natural life; of his own choice;
7 c Punitive damages against each defendants, jointly and
8 severally in the amount of \$2,000,000.00 dollars;
9 d Cost of this action, attorney fees and;
10 e Request referral to Early Settlement Pro Se Program:

11 SECOND CAUSE OF ACTION

12 DELIBERATE INDIFFERENCE TO THE SERIOUS MEDICAL

13 NEEDS OF A CLASS OF DIABETIC PRISONERS

14 1). Plaintiff incorporate by reference the allegations
15 contained in Counts I thru VII, the First Cause of Action, as
16 though fully set forth verbatim at this place;
17 2). Plaintiff and a Class of Insulin Dependent Diabetic Pri-
18 soners, were Deprived of Food for Five (5) Hours, following
19 receipt of Insulin Injuection, for reasons not medical in nature;
20 Defendants Patrakis, Fox, Iannone and J.A. Mendoza, were fully
21 aware that access to food following insulin injection for Diabetic
22 prisoners is a "Serious Medical Need."
23 3). Diabetic Coma, Reaction or Kethacide Condition was a
24 foreseeable consequence once "Food was Denied for Five (5) Hours
25 following Plaintiff's Insulin Injection. Defendants knew that
26 San quentin had No Policy for feeding Diabetic prisoners once
27 receiving their insulin; Failing to maintain a Diabetic Protocol
28 or Departmental or Institutional Operational Plan; posed a

1 foreseeable risk of injury to the Plaintiff in violation of the
 2 Ku Klux Klan Act of 1871, Title 42 U.S.C. §§ 1983, 1985(2) &
 3 ((3) and the First, Eighth & Fourteenth Amendment to the United
 4 States Constitution.

5 4). Defendants actions caused the Plaintiffs health to
 6 deteriorate faster than it otherwise would have on its own.
 7 Defendants knew that the "First Tier, North Block," houses
 8 prisoners with Diabetees, Hypertension, Cardiac ailments, Sei-
 9 zures, along with multiple chronic medical ailments. Defen-
 10 dants Mendoza, Patrakis, fox and Iannone, intentionally failed
 11 to provide a complete and accurate account of factual circum-
 12 stances that led to Plaintiff's permanent injury. Defendants
 13 actions reflect a callous indifference and reckless disregard
 14 to the medical needs of the Plaintiff and a class of Diabetic
 15 prisoners in violation of the proscription against cruel and
 16 unusual punishment in violation of the Title 42 U.S.C. §§ 1983,
 17 1985(2) & (3) and the Eighth Amendment to the United States
 18 constitution.

19 WHEREFORE Plaintiff demand judgment against Defendants
 20 Patrakis, Fox, J.A. Mendoza, & Iannone, jointly and severally,

21 a Lifetime Health Insurance upon parole of the Plaintiff,
 22 of his own choosing:

23 b compensatory judgment against each defendant for the
 24 sum of \$2,000,000.00 dollars for failing to maintain
 25 a Diabetic Protocol which identifies the care and treat-
 26 ment plan for the needs of Diabetic prisoners;

27 c Punitive damages for \$1,000,000.00 based upon the criti-
 28 cally important character of the health care rights

1 infringed upon, against each defendant, jointly and severally
2 d Request referral to Early Settlement for Pro Se Program;

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4 THIRD CAUSE OF ACTION

5 CONSPIRACY TO DEPRIVE & INTERFERE WITH CIVIL RIGHTS:

6 1). Plaintiff incorporate by reference Counts I thru VII,
7 the First and Second Cause of Action, as though fully set forth
8 verbatim at this place;

9 2). Defendants intentionally delayed providing access to
10 food for Diabetic prisoners housed in North Block; the actions
11 of Defendants Patrakis, Fox, Iannone and specific orders given
12 to unknown subordinate prison guard, was so dangerous, that
13 the knowledge of that risk to life, is presumed:

14 3). Diagnosis of Congestive Heart Failure upon immediate
15 access to a physician, has caused multiple complications, in-
16 creased the level of depression, emotional distress, carrying
17 around eight to ten pounds of water and the impact upon life
18 activities; Defendants intentionally denied a class of Diabetic
19 prisoners food following insulin injection. In doing so, Defen-
20 dants orders, released a heightened level of callousness and
21 Deliberate Indifference to the serious medical needs of the
22 Plaintiff and his Class of Diabetic prisoners;

23 4). Actions taken by Defendants against Class of Diabetic
24 prisoners and the Plaintiff was arbitrary and irrational and
25 not rationally related to any penalogical state interest, in
26 violation of 42 U.S.C. §§ 1983, 1985(2) & (3) and the First,
27 Eighth & Fourteenth Amendments to the United States Constitution.

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1 WHEREFORE, Plaintiff demand judgment against each defen-
 2 dant, Patrakis, Mendoza, Fox and Iannone for Compensatory dama-
 3 ges in the amount of \$1,000,000.00 for Equal Protection violations
 4 based upon foreseeable injury imposed upon the Plaintiff;

5 Plaintiff demand punitive damages in the amount of
 6 \$2,000,000.00 against each defendant based upon the critically
 7 important character of the medical injury infringed upon and
 8 sustained by the Plaintiff for life;

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 11 FOURTH CAUSE OF ACTION

12 NEGLIGENCE TO PREVENT CONSPIRACY

13 1). Plaintiff repeats and re-allege each and every allegation
 14 set forth in all preceding counts and by reference incorporate
 15 same as though fully set forth verbatim at this place;

16 Pursuant to 42 U.S.C. § 1986 Defendant Patrakis, Associate
 17 Warden, and J.A. Mendoza, Warden, (Acting), failed to prevent
 18 the wrongs perpetrated in in violation of 42 U.S.C. § 1985(2)
 19 & (3) and the First, Eighth & fourteenth Amendments to the United
 20 States Constitution;

21 Plaintiff demand judgment against Patrakis & Mendoza,
 22 jointly and severally, of \$2,000,000.00 in punitive damages;

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FIFTH CAUSE OF ACTION

DELIBERATE INDIFFERENCE TO THE SERIOUS MEDICAL NEEDS OF
A CLASS OF DIABETIC PRISONERS; FAILURE TO MAINTAIN
ESTABLISHED DIABETIC PROTOCOL FOR SAN QUENTIN

1). Plaintiff repeat and re-allege each and every allegation set forth in all preceding counts and by reference incorporate same as though fully set forth verbatim at this place:

2). Defendant Ayers, Warden, San Quentin State Prison; Defendant N. Grannis, Chief, Inmate Appeals, California Department of Corrections & Rehabilitation, "Failed to Establish & Maintain a Diabetic Protocol" which was constitutionally required to address the immediate needs of the Plaintiff and a Class of Diabetic prisoners with chronic medical ailments; such failure has caused permanent physical injury; Further, defendants have allowed precision and surgical retaliatory strikes aimed at the now existing, Diabetic Protocol in place at San Quentin State prison.

3). Defendant Ayers Second level Response and Defendant Grannis written decision have encourage present and future policy omissions on an emerging Diabetic protocol as Defendants decision making authority has taken flight; Defendants written decisions were taken to conceal subordinate acts of abuse while ensuring that no mention a a "Diabetic Coma, Reaction, or Kethacide Condition" existed or is mentioned in response to Plaintiff's appeal or in departmental or institutional policy; Defendants "mocked" Plaintiff's slight "dizziness and swelling," while knowing these symptoms are a precursor to a Diabetic Coma or reaction;

4). Deliberate Indifference by prison and the department caused an omission in Diabetic Protocol which allowed subordinate defendants to violate plaintiffs rights in cause physical injury. Failure of defendants to establish a constitutional and adequate Diabetic protocol was and is a monumental policy omission and in not keeping in progress with evolving standards of medical care for Diabetic Prisoners;

WHEREFORE Plaintiff demand judgment against Defendant Ayers, Warden, San Quentin State Prison; Defendant N. Granni, chief, d Inmate Appeals, Department of Corrections & Rehabilitation, for a monumental policy omission in a non-existent Diabetic Protocol that has injured the Plaintiff physically, mentally, "Congestive Heart Failure, Chronic Edema, Pitting Edema, Muscle & Nerve Deterioration," upon Plaintiff:
Plaintiff demands;

- (a) Lifetime Health Insurance upon parole of the Plaintiff, of his own choosing;
- (b) Compensatory judgment against each defendant for \$2,000,000.00 for Failure to Maintain a Diabetic Protocol that identifies the healthcare and treatment needs for Diabetic prisoners;
- (c) Compensatory damages for exposing Plaintiff to permanent injury based upon a policy omission, and for to be free from cruel and unusual punishment in violation of the Eighth & Fourteenth Amendments to the United States Constitution;
- (d) Plaintiff demand punitive damages of \$2,000,000.00, based upon the critically important character of the Healthcare

1 rights infringed upon and that injured the Plaintiff physically;
2 against each defendant, jointly and severally:

3 //////////////

////////////////////

4
5 STATE LAW CLAIMS

6 This Court has discretion to adjudicate claims that
7 arise under independent state law; for; Intentional Infliction
8 of Emotional Distress, Mental Anguish, Personal Physical Injury,
9 Breach of Duty to provide Medical Care and Permanent Injury;

10 Authorization is pursuant to Title 28 U.S.C. §1367
11 arising under California Law, which is not entirely identical
12 to and are premised on the factual basis of the of the Federal
13 Claims addressed above;

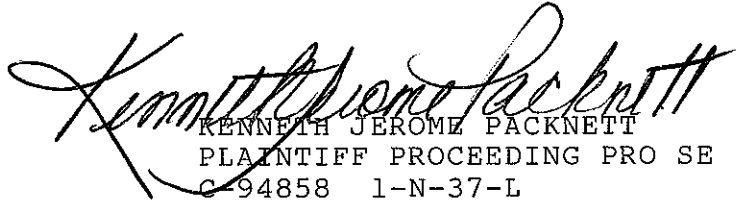
14 Defendants action reflect a callous and pervasive indif-
15 ference to the serious medical needs of the plaintiff; Multiple
16 medications have been added to an already large regimen; chronic
17 swelling of lower extremities and pain dictates how much activi-
18 ty plaintiff may engage in all in one day; the result of a Depri-
19 vation of Food followed by a Kethacide Reaction & Condition:

20 DECLARATORY RELIEF

21 Defendants and each of them are wholly inimical to the
22 impartial review and fairness in administrative appeals proceed-
23 ings. Defendant procedural administrative proceedings are gross-
24 ly inadequate to allow Plaintiff full litigation of any constitu-
25 tional injury; Where administrative procedural regulations
26 are adequate in theory but Defendants indiscriminate acts of
27 concealment and active encouragement of the code of silence
28 make the corrective process unconstitutional in full practice;
e.g. Exhibit K, a snapshot of defendants destructive exercise:

1 I declare under the penalty of perjury that the fore-
2 going is true and correct.

3 Executed this 30th Day of April, 2008

4
5
6 
7 KENNETH JEROME PACKNETT
8 PLAINTIFF PROCEEDING PRO SE
C-94858 1-N-37-L
SAN QUENTIN STATE PRISON
SAN QUENTIN, CA 94974

9 V E R I F I C A T I O N

10 I, Kenneth Jerome Packnett, declare and says;

11 Except as otherwise stated, I declare under the penalty
12 of perjury under the laws of the State of California that I
13 have personal knowledge of the facts set forth within, and if
14 called upon as a witness, I could and would competently testify
15 thereto, and that these statements are true and correct to the
16 best of my knowledge and belief, except as to those matters
17 stated therein to be alleged in on information and belief and
18 as to those matters that I believe them to be true.

19 Executed this 30th day of April, 2008, at San Quentin,
20 California.

21 DATED; APRIL 30, 2008

22 RESPECTFULLY SUBMITTED,


23 
24 KENNETH JEROME PACKNETT
25 DECLARANT IN PRO PER
26 C-94858 1-N-37-L
27 SAN QUENTIN STATE PRISON
28 SAN QUENTIN, CA 94974

Exhibit 'A'



FIELD ASSESSMENT FORM

DATE 10/27/06 CREW Mel One 1700 ENG # UNIT #

LOCATION in a shack upper PT AGE 46 M F WEIGHT

LEVEL OF DISTRESS (MILD) MODERATE / SEVERE HOW PATIENT FOUND Sitting

CHIEF COMPLAINT / PROBLEM Check if Normal PHYSICAL ASSESSMENT

P Dizzy & weak in legs HEAD ☒Q FACE ☒R PUPILS ☒ PERL ☐ Unequal L / R is largerS ☐ No Response ☐ Sluggish ☐ Pinpoint ☐ Midrange ☐ DilatedT PERTINENT OTHER HISTORY insulin dependent NECK ☒

diabetes

CHEST ☒MEDICATIONS ABDOMEN ☒ALLERGIES PELVIS ☒PRIVATE MD BACK ☒

VITAL SIGNS

LEVEL OF CONSCIOUSNESS ☐ Unconscious EXTREMITIES ☒Oriented ☐ Person Responds ☒ Verbalto: ☐ Place to: ☐ Painful☐ Time ☐ Sluggish☐ Situation ☐ Non-Responsive☐ Prior Loss of Consciousness Duration: NEURO EXAM ☐DISTAL PULSE ☐

TIME TREATMENT

SKIN SIGNS ☒ All WNL☐ WNL ☐ WNL ☐ WNL☐ Pale ☐ Wet ☐ Cool☐ Cyanotic ☐ Clammy ☐ Cold☐ Flushed ☐ Dehydrated ☐ Hot

TIME BP P R EKG

66

COMMENTS

PT. WALKED FROM MED 1 TO TTA

LUNG SOUNDS ☐ Exhibit A Page 1 RJP

NAME Packnett C94858 DOB

PHONE () 24

STATE ZIP

Exhibit 'B'

30/00

90 5d H₂O swelling, m@legs, spread to arms & down
face, chest pressure, SOB, orthopnea, & PND
epid/sr, N/V/D/C, & D/P/U.

① WD obese NAD, ~~AA~~ A4 ⊕ JVD
Chest-OTA Cor RAR NLs, S₂, ~~Pm~~ Pm, ⊕ S3 ⊗

PMT laterally displaced

Get 2-3 @ PKing PTO to post knees B/L

① CHF ② CAD ③ HTN ④ DM7 ⑤ BPH
⑥ Asthma

(P) Advise code-2 to nearest ER for
R/O MI protocol.

~~Jerome Daszko, M.D. Lic. G72880~~

TUTION

HOUSING UNIT

CDC NUMBER, NAME (LAST, FIRST, MI) AND DATE OF BIRTH

C94858

PACKNETT, KENNETH

01/31/66

Exhibit B #1-18

25

INTERDISCIPLINARY PROGRESS NOTES

REASON FOR REQUEST (STATEMENT OF CHIEF MED. OFFICER)
 DESCRIPTION OF CONDITION SUGGESTING REMOVAL

CP

DESCRIPTION OF EXAMINATION OR THERAPY RECOMMENDED

CP, Lvs

NATURE AND IMMEDIACY OF SERVICE: ☒ MANDATORY ☒ EMERGENCY ☐ ELECTIVE

LOCATION OF HOSPITAL, CLINIC, OFFICE OR OTHER PLACE RECOMMENDED

Miami General

CAN'T THE PROCEDURE BE DONE INTRAMURALLY?

PRECAUTION INSTRUCTIONS (DEFINED ON REVERSE): ☒ UNIVERSAL ☐ RESPIRATORY ☐ ENTERIC

ESTIMATED TIME AWAY FROM FACILITY (NOT MORE THAN 8 DAYS)

24-48 hrs

SIGNATURE OF CHIEF MEDICAL OFFICER

Dr. [Signature]

DATE SIGNED

10/30/06

CUSTODIAL STATUS (STATEMENT OF ASSOCIATE WARDEN)			
INMATE	TERM	RELEASE DATE	CUSTODIAL CLASSIFICATION <input type="checkbox"/> MAXIMUM <input type="checkbox"/> MEDIUM <input type="checkbox"/> MINIMUM
ADMITTED FROM	DATE RECEIVED	CONDUCT DURING INCARCERATION	ESCAPE RISK

REMARKS

SIGNATURE OF ASSOCIATE WARDEN

DATE SIGNED

UNDER THE PROVISIONS OF SECTION 2690 OF THE PENAL CODE, AUTHORIZATION IS GIVEN FOR THE TEMPORARY REMOVAL OF INMATE IDENTIFIED BELOW FROM THE FACILITY IN ORDER THAT HE/SHE IS NOW CONFINED IN ORDER THAT HE/SHE MAY RECEIVE MEDICAL TREATMENT IN ACCORDANCE WITH THE ABOVE RECOMMENDATIONS.

REQUEST: ☐ APPROVED ☐ DENIED

SPECIAL CONDITIONS:

ODC NUMBER, NAME (LAST, FIRST, MI) AND DATE OF BIRTH

Packnett, Kenneth

C94858

WARDEN'S SIGNATURE

DATE SIGNED

FACILITY

REQUEST FOR AUTHORIZATION OF TEMPORARY
 REMOVAL FOR MEDICAL TREATMENT

California Department of Corrections

Health Care Services Division

Encounter Form: Chest Pain

Name: Packett, K.CDC# (9488)DOB 1/31/60Date/Time 10/30/06 1725

Fill in the blanks and check all that apply

SUBJECTIVE:Chief Complaint: SOB Chest pressureDate and time of onset: 12 noon todayActivity at onset: ☒ Rest ☐ Exertion ☐ Sleep
☐ Other: _____

Pain: Scale of 0-10 (0=no pain 10=worst pain)

Area of pain: chest ↓ sitting upWhat makes it better/worse? movement > bending overRadiating pain? (describe) NO☐ Nausea ☐ Vomiting ☐ Dyspnea ☐ Palpitations
☐ Syncope ☐ Dizziness ☐ Cough ☐ Anxiety
☐ Fatigue ☐ DiaphoresisHistory: ☐ previous MI ☐ CHF ☐ smoking
☒ HTN ☐ cardiac disease ☐ stroke ☐ pacemaker
☐ thrombophlebitis or PE ☐ COPD ☐ diabetes
☐ recent URI ☐ chest trauma ☐ leg cramps
☐ family history of heart diseaseLast meal 12 noon like PARS 11

Recent illicit drug use _____

Allergies: NKACurrent medications: See Med Profile**OBJECTIVE:**☒ ABCs Present☒ Awake, alert, oriented to person, place, time (2A)VS: Temp 96.9 Pulse 82 Resp 18 B/P 150/95Wt 310 lbs Pulse Ox 98%☐ Anxiety ☐ Pallor ☐ Diaphoresis ☐ SOB
☐ Neck vein distention ☐ difficulty breathing
☐ Cyanosis ☐ chest wall tenderness ☐ pedal edema

(describe) _____

Lung sounds: Upper Right ☐ Clear ☐ Wheezes ☒ Crackles 2+ ☐ DiminishedUpper Left ☐ Clear ☐ Wheezes ☒ Crackles R ☐ Diminished
Lower Right ☐ Clear ☐ Wheezes ☐ Crackles ☐ Diminished
Lower Left ☐ Clear ☐ Wheezes ☐ Crackles ☐ DiminishedHeart sounds: ☐ Regular ☐ Irregular (describe) _____**ASSESSMENT:**☒ Pain evidenced by/related to: Ch☐ Alteration in tissue perfusion, cardiac, related to/evidenced by: _____☐ Other: _____**PLAN:**MD referral completed: (circle) NOT YES If yes:☒ STAT (Acute Coronary Syndrome; gastroesophageal reflux if over 35 Y.O., hx of HTN, dyslipidemia, CV disease, diabetes or hx of heart disease; pleuritic chest pain)☐ Urgent ☐ RoutinePhysician called (name / time) 1700

Physician responded (time) _____

ACUTE CORONARY SYNDROME:☐ Patient placed in position of comfort.☒ O2 given via NC 2L to maintain O2 Sat ≥ 90%. (Time started) _____☒ Cardiac monitor applied; rhythm strip placed in UHR☐ Chewable Aspirin 325 mg PO at _____☒ Nitroglycerin 1/150 grains sublingually:☒ Dose #1 given at 1730☐ Dose #2 given at 1737☐ Dose #3 given at _____☐ IV Site: location: RAC Time: 1737Needle: 18 g Rate: _____

Solution: Normal Saline

Time	BP	Pulse	Resp.	O2 Sat.
1700	150/82			

Time	Cardiac rhythm
1730	<input checked="" type="checkbox"/> regular <input type="checkbox"/> irregular
	<input type="checkbox"/> regular <input type="checkbox"/> irregular
	<input type="checkbox"/> regular <input type="checkbox"/> irregular
	<input type="checkbox"/> regular <input type="checkbox"/> irregular

BS = 200

	Y = Yes	N = No
Time	1735	
Oriented to time, place, person, situation	Y	
Opens eyes spontaneously	Y	
Speech clear, appropriate	Y	
Obeys commands	Y	

Additional Comments: Code #3 ambSpeech clear Calm Breathe
deep regular SOB mild
ang pain historySignature / Title [Signature]

5/04

ECHOCARDIOGRAPHY REPORT

Patient Name: KENNETH PACKNETT

Referring MD: SQ, M.D.

Study Date: October 31, 2006

MEASUREMENTS: (Normal) (M-Mode) (2-D)	M-MODE	2-D
LV End Diastolic Diam: (4.0-5.3) (3.7-5.7)	5.42 cm	
LV Systolic Diam: (2.2-4.0)	2.92 cm	
LV Septal Thickness: (0.7-1.3)	1.67 cm	
LVPW Thickness: (0.7-1.1)	1.67 cm	
Ejection Fraction: (50-75%)	77.0 %	
Aortic Diameter: (3.0-3.9)	4.00 cm	
Aortic Valve Opening: (1.5-2.0)		
Left Atrial End Systolic (2.5-4.0) (4.1-6.1)	4.75 cm	
RV End Diastolic Diam: (1.3-2.6) (2.4-4.4)		

DOPPLER: Peak/Mean Gradient	Valve Area	Pressure Halftime	Regurgitation
Aortic:			
Mitral:			
Pulmonic:			
Tricuspid:	Tricuspid Regurg. Gradient: 32.7 mmHg		

Mitral Valve Inflow: E: 1.12 m/s A: 1.12 m/s E/A Ratio: 1.00 E/E':

INTERPRETATION

Left Ventricle: Normal size, and contractility without wall motion abnormalities. Moderate concentric left ventricular hypertrophy.

Right Ventricle: Normal in size and function.

Left Atrium: Normal in size.

Right Atrium: Normal in size.

Pulmonary Veins: Not recorded.

Aortic Valve: Normal and trileaflet.

Aortic Root: Normal.

Mitral Valve and Annulus: Morphologically normal.

Pulmonic Valve: Morphologically normal.

Tricuspid Valve: Morphologically normal.

Doppler with Color Flow Imaging: As described.

Pericardium: No significant pericardial effusion.

Inferior vena cava: Normal in size and contracts with inspiration.

Study Quality: Good.

CLINICAL HISTORY: CHEST PAIN, HTN, DM

CONCLUSION: Moderate concentric hypertrophy with preserved LV systolic function. No segmental contractile abnormalities seen. Moderate LA enlargement. Valves are normal.

Mild pulmonary HTN.

Sonographer:
BB


David Sperling, M.D., F.A.C.C.

MED REC # 02172920
MARIN GENERAL HOSPITAL
GREENBRAE, CA 94904
(415) 925-7000

NAME: KENNETH PACKNETT
Room #: 3118
PHYSICIAN: David Sperling, M.D.

ECHOCARDIOGRAPHY REPORT

Page 4

30

Marin General Hospital
Greenbrae, CA 94904
(415) 925-7000

ADMIT DATE: 10/30/2006

DISCHARGE DATE:

DISCHARGE DIAGNOSES:

1. Chest pain of uncertain etiology.
2. Diabetes mellitus.
3. Hypertension.
4. Asthma.
5. Edema.

DISCHARGE MEDICATIONS:

1. Aspirin 81 mg daily.
2. Lipitor 20 mg nightly.
3. Singulair 10 mg daily.
4. Insulin as before, which consists of 70/30.
5. Lisinopril 20 mg b.i.d.
6. Spironolactone 25 mg daily.
7. Lasix 40 mg b.i.d.
8. Hydralazine 25 mg q.i.d.
9. Minoxidil 10 mg t.i.d.
10. Clonidine 0.1 mg 2 tablets t.i.d.
11. Advair 250/50 Diskus 1 puff b.i.d.

HOSPITAL PROCEDURES:

1. Two-dimensional echocardiography.
2. Nuclear stress test.

HOSPITAL COMPLICATIONS: None.

CONDITION ON DISCHARGE: Stable, improved.

DISPOSITION: He is discharged back to San Quentin to the care of his physicians.

DIET: Remains no added salt.

ACTIVITY: As tolerated.

STUDY RESULTS: The nuclear scan result is pending at the time of this dictation.

HOSPITAL SUMMARY: The patient is a 46-year-old male with multiple coronary risk factors, who presented with three days of prolonged left chest pressure, edema, and hypertension. He had undergone a nuclear scan two to three months ago at Novato that

DISCHARGE SUMMARY

DAVID C. SPERLING, M.D.

Patient Name: CDCC94858PACKNETT,
KENNETH
MR#: 02-17-29-20
Account #: 00904317047

Page 5 *34*

Marin General Hospital
Greenbrae, CA 94904
(415) 925-7000

was unremarkable. He stated that he had had no history of similar chest discomfort previously. His cardiac enzymes were negative x3. His EKG initially was normal and then T-waves flattened two days after admission. His chest pains waxed and waned. His blood sugars were well-controlled; he was seen by the Hospitalist Service in that regard. He had no asthma while at Marin General Hospital. His chest x-ray was unremarkable. He is to undergo a nuclear scan today and if that is negative, he will be transferred back to San Quentin. If positive, he will require cardiac catheterization. It should be noted that his blood pressures on admission were in the 160-170/110 range, and at discharge were 130-150/65-85. The changes in his medicines include discontinuation of nifedipine (his edema improved markedly while here), the substitution of Lasix 40 mg b.i.d. for triamterene, the addition of spironolactone 25 mg daily, the addition of aspirin 81 mg daily, and the doubling of lisinopril to 20 mg b.i.d.

His follow-up will be with Dr. William Williams and I will attempt to reach him today.

Pending Electronic Signature by DAVID C. SPERLING, M.D.

D: 11/02/2006 09:02:47

T: 11/02/2006 10:09:36

Job #: 7453070/pf

Cnf #: 204982

cc: CARL SPITZER M.D.
Medical Records San Quentin: Marylee
William Williams MD

DISCHARGE SUMMARY

DAVID C. SPERLING, M.D.

- 2 -

Patient Name: CDCC94858PACKNETT,
KENNETH
MR#: 02-17-29-20
Account #: 00904317047

PAGE 6 32

NOTE: SEND COPY OF PHYSICIAN'S ORDER FOR MEDICATION
TO PHARMACY AFTER EACH ORDER IS SIGNED.

Order Date	Time	Problem #	Physician's Order and Medication (Orders must be dated, timed, and signed.)
11/2/06	1820		T.O. Refusals
		①	Rehold in NB
		②	Spironolactone 25mg PO QD
		③	Lasix 40mg PO BID
		④	See NB MD 11/3/06
			D. Mustafa / Ben Shah
			CTA
			CTA

ALLERGIES:

W: 11, pool, grass dust

INSTITUTION

SQSP

ROOM/WING

NB

CDC NUMBER, NAME (LAST, FIRST, MI)

Packnett K
C94858

01/31/1960 Page 7 ~~37~~

Confidential
client information
See W & I Code, Sections 4514 and
5328

PHYSICIAN'S ORDERS

~~Jaron Daszke, M.D. Lic. G72800~~

~~24~~

**NOTE: SEND COPY OF PHYSICIAN'S ORDER FOR MEDICATION
TO PHARMACY AFTER EACH ORDER IS SIGNED.**

Order Date	Time	Problem #	Physician's Order and Medication (Orders must be dated, timed, and signed.)
11/6/06	11:30 AM		Prolosee 20mg Tpo 5 Am x bmo
			Increase Cardura to 8mg Tpo qhs & bmo
			✓ BP y week
			✓ Accucheck BID
			PLN Flags Chronic Care ptng Rvsk
			JASBRO MD
			G72860
			[Signature]

CAR
COT
CRP
11/6/06
1200
gg

ALLERGIES:

INSTITUTION SQ ROOM/WING N1-37L

Confidential
client information
See W & I Code, Sections 4514 and
5328

PHYSICIAN'S ORDERS

C 94858
acknett, K
1/31/60
Page 9

List Chronic Diseases:

(1) DM 2 CAD / CHF MTN
HISTORY: (Attach a progress note form, if needed, to provide a more complete history.) GERD BPH ASTHMA/AR
Current medications (if no pharmacy profile attached) and adherence since last visit:
Nitroglycerin to 2-3 x/week Dilatase DN/VDIC
 RN SIGNATURE

Complaints/Problems: (Discuss in space provided)

CV / Hypertension: Chest Pain: ☐ Yes ☒ No SOB: ☐ Yes ☒ No Diabetes Mellitus: # of hypoglycemic reactions since last visit: _____
 Asthma: # attacks since last visit? _____ Seizure Disorder: # seizures since last visit: _____
 # short acting beta agonist canisters in last month: _____ Discussion: _____
 # visits to ETA for asthma since last visit: _____
 # times awakening with asthma symptoms per week: _____
 Additional History: _____

CCP compliance (e.g. diet, exercise, medications):

EXAM: HEENT/Neck: WD, obese NAD

Rectal:

Heart: RRR, NLS, S₂, P @ RBB

Neurological:

Lungs: CTA

Other (specify):

Abdomen:

Extremities/Pulses: 2+ pitting PTO to knees

Comments on BP or Glucose Monitoring:

ASSESSMENT: Diagnoses

		Degree of Control				Clinical Status			
		G	F	P	NA	I	S	W	NA
1.	<u>CAD / CHF</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	<u>MTN</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	<u>DM-2</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PLAN:

Medications: ↑ Aldactone to 50mg q AM

Diagnostics: _____

Labs: _____

Monitoring: ☐ BP / Frequency: _____ ☐ Glucose / Frequency: _____ ☐ Peak flow ☐ Other: _____
 (____ X day / week / month) (____ X day / week / month)

Education provided: ☐ Nutrition ☐ Exercise ☐ Smoking ☐ Test Results ☒ Medication ManagementOther (specify): Chronic for wedge p/flowReferral: ☐ Specialist (indicate type): _____ ☐ Other Chronic Care Program

Interval to next visit: ☐ 90 Days ☒ 30 Days ☐ Other _____ Days ☐ Discharge from CCP (specify): _____

PROVIDER SIGNATURE

Jaron Daszko, M.D. Lic. G72880

DATE

11/13/06

INSTITUTION

S.O.

CDC NUMBER, NAME (LAST, FIRST, MI) AND DATE OF BIRTH

C94858

Packnett, K

1/31/60

11/10

37

CHRONIC CARE
FOLLOW-UP VISIT

DEPARTMENT OF CORRECTIONS

STATE OF CALIFORNIA
KC 7231-A (Rev. 11/02)

PATIENT MEDICATION ADMINISTRATION RECORD (Continued from reverse)

Documentation of PRN, no show, or refusal of medication. (Date, Time, Medication, Dose & Reason, Signature.)

Katie- **OR ANY RN Triage** 55/5Can you please check on Packnett G-94858
I.N. 37

He has a Hx: CHF. He's on 40mg Lasix BID plus he's been taking an X-tra close (a) H.S. He's not on any Kt, plus his ankles are 3-4" edema. He can only make it to the 2nd tier and he gets SOB. He lives on 1st + thank goodness.

Thank you-

Stacy

Patient was fine - needed to get assessment.



Exhibit 'C'

CITIZEN'S COMPLAINT

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE
APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. 50
2. _____1. 07-00799
2. _____

5

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
KENNETH JEROME PACKNETT	C-94858	UNASSIGNED	1-N-37-L

A. Describe Problem: 1) S.Q. Search Policy Defective in Application; 10-25 Search conducted in a "Enraged Frenzy!"
 2) No Staff Accountability, search Receipts or identification; [CCR § 3287(a)(2) & (a)(4)] Placement in Chow Hall 10-26 until 0140 hrs created calf swelling, 10-27 Lower Yard holding induced "sortness of breath, Dizziness, unsteady walk, swollen legs!" "Blood Sugar 355, No Physician on Duty: 4). Items Improperly Removed a. 3-Bowl Set white bottom blue lid; b. 1 Clear Bowl w/Lid; c. 1 Stinger, d. 1 Box Ajax; 1 T.V. Board, made of Cardboard, e. Disinfectant in Plastic Spray Bottle; f. 1 Whisk Broom; Placement in chow hall and lower yard for extended periods of time had detrimental effect for appellant and were totally uncalled for; Swelling in legs and Calves for a Diabetic can have longlasting effects and should not be allowed;

If you need more space, attach one additional sheet.

B. Action Requested: 1). Verification Improper Search & Medical Condition needlessly aggravated;
 2). Return of a, 3-Bowl Set, white bottom with blue lid, Unique to S.Q.; 1 Clear bowl w/lid; 1 Stinger, all Canteen Bought, CMF & S.Q.; 3) One (1) Replacement Non-Flammable T.V. Board, with Strapes, Disinfectant in Spray Bottle and One (1) Whisk broom; "Lower Bunk Beds;"

Inmate/Parolee Signature: Kenneth Jerome PacknettDate Submitted: 10-28-06

FEB 27 REC'D

C. INFORMAL LEVEL (Date Received: _____)

OCT 30 REC'D
NOV 09 REC'D

Staff Response: _____

Bypass

Staff Signature: _____

Date Returned to Inmate: _____

RECEIVED
NOV 29 2006
INMATE APPEALS
BRANCH

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Bypass

Signature: Kenneth Jerome PacknettDate Submitted: 10-28-06

CDC Appeal Number: _____

Note: Property/Kinds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

EXHIBIT C Page 1

First Level ☐ Granted ☐ P. Granted ☒ Denied ☐ OtherE. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: **FEB 27 2007** Due Date: **APR 10 2007**

Interviewed by: _____

See Attached

Staff Signature: _____

Title: *CSG*Date Completed: *3-27-07*

Division Head Approved: _____

Signature: _____

Title: *APR 13 REC'D*

Returned

Date to Inmate: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

1). 1st response thoughtful & eloquently written] 2). Unfortunately, compensation cannot yet be determined.

3). Appellant suffered an Insulin Reaction, following the Express Denial of Food for five (5) hours, after after receiving an insulin injection, that was medically required. 4). 1st Level response does not I.D. prison

Official who ordered, supervised and delayed feeding; Denial of Food/Medically needed, was taken for non-medical

reasons:

Signature: *Kenneth Jerome Packnett**APR 26 REC'D*Date Submitted: *4-23-07*Second Level ☐ Granted ☐ P. Granted ☒ Denied ☐ OtherG. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: **APR 26 2007**Due Date: **MAY 24 2007**☒ See Attached LetterSignature: *F. Chandler*

Warden/Superintendent Signature: _____

*JUN 18 REC'D*Date Completed: *6-15-07*

Date Returned to Inmate: _____

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

ISSUE; Denial of Food following an Insulin Injection for five (5) hours: **INST RESPONSE;****"It was stated that your condition was not related to the search." APPELLANT RESPONSE**

Institution reply is disingenuous, baseless and couched in terms of deception; Totality of circumstances caused emergency room treatment, hospitalization and permanent injury.

Disatisfied with Institution's tepid response:

Signature: *Kenneth Jerome Packnett*Date Submitted: *6-27-07*For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate AppealsDIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☒ Denied ☐ Other☒ See Attached Letter**OCT 01 2007**

Date: _____

Exhibit 'D'

INMATE/PAROLEE APPEALS SCREENING FORMNAME: Packnell NUMBER c9488 SQP LOG No: _____

(OTHER LOG NO) _____ ISSUE: _____ AREA OF ORIGIN: _____

HOUSING UNIT 1N37 NOTE _____**YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):**

1. The action or decision being appealed is not within the jurisdiction of the Department.
 a. BPT Issue, file BPT 1040 form & submit to C&PR _____ b. Other, see comments _____
2. You have submitted a duplicate appeal on the same issue. Check one:
 Your first appeal was screened out on _____ for _____
 Your appeal is currently under review at the _____ level.
 Your first appeal has been completed at the _____ level.
3. You are appealing an action not yet taken.
4. You may not submit an appeal on behalf of another inmate.
5. You have not adequately completed the Inmate/Parolee Form (CDC 602) or attached the proper documents.
 _____ CDC-115 Hearing Officer's or Disciplinary Committee Results _____ Supplemental Reports to CDC-115.
 _____ CDC-115A with I.E./D.A. info. _____ CDC-128B1 Hearing Notif. _____ CDC-839/840 Class/Reclass Score Sheet
 _____ CDC-128G ICC/UCC Clas.Com. _____ CDC-128G Init. Clas. Com. _____ CDC-128G CSR Endorsement Chrono
 _____ Lab Results Sheet _____ CDC-114D Lock Up Order _____ CDC-1030 Confidential Disclosure
 _____ CDC-7219 Medical Report _____ Legal Status Summary _____ CDC-128C Medical Chrono
 _____ Board of Control Claim Form (attached) _____ Property Inventory Slip
 _____ Receipts: _____ Qtr.Pkg. Inventory Slip _____ CDC-143 Property Transfer Slip _____ Cell Search Slip
 _____ You have failed to complete Section _____ Sign & Date Section _____
 Other: _____
6. There has been too great a time lapse between when the action or decision occurred and when you filed your appeal.
7. This issue has been appealed under the assigned SQP Appeal Log No. _____ Per DOM section 54100.10.1,
 a copy of the reviewer's response: _____ Is attached _____ Will be forwarded to you upon completion
8. Abuse of the Appeal Procedure. See Comments.

Comments: Your appeal is not appropriate for formal level processing. You must provide proof of having received an informal level response prior to submitting this appeal to the Appeals Office, for further processing. Reference CCR section 3084.2(c) which states: Place of Filing. At the formal levels, the appeal shall be forwarded to the appropriate office or appeals coordinator within the time limits prescribed in section 3084.6. NOTE: as of 6/23/97, Appeals Office will not assign log numbers to informal appeals. Appeals will receive a log number upon reaching the 1st formal level if necessary. Please take heed of this notice when preparing future appeals.

Chandler-Dacanay
 CHANDLER-DACANAY
 C-II, Appeals Coordinator

W. Jeppeson
 W. JEPPESON
 CC-II, Appeals Coordinator

rec'd to property clo
 Date 10-30

This screening action may not be appealed unless you allege that the above reason is inaccurate. In such case, please return this form to the Appeals Coordinator with the necessary information.

PERMANENT APPEAL ATTACHMENT-DO NOT REMOVE.11-5 follow instructions
EXHIBIT D P91

Exhibit 'E'

ADDENDUM TO INMATE APPEALRESPONSE TO S.Q. SCREENING FORM

R. Chandler-Decaney, CC II, Appeals Coordinator
 W. Jepperson, CC II, Appeals Coordinator

Kenneth Jerome Packnett
 C-94858 1-N-37-L

RE: INACCURATE EVALUATION AND DECISION TO FORWARD
1ST LEVEL FORMAL COMPLAINT TO PROPERTY OFFICER

I.

I. Events presented in this appeal are in sequential order and it would be imprudent to mistakenly distort the factual order of presentation and the accurate nature of this claim:

- | | | | |
|----|----------|------------|--|
| a. | 10-26-06 | 1100 Hours | Search Commenced of North Block |
| b. | 10-26-06 | 1800 Hours | Blood Sugar test and insulin received at 2200 Hours; |
| c. | 10-26-06 | 2200 Hours | First Tier of North Block Chow Call & Feeding; highly irregular, time spent in chow hall, until 0200 Hours, seating extremely uncomfortable on steel stools, had to stand up most of time; |
| d. | 10-27-06 | 0730 Hours | First Tier North Block stripped out for unclothed body search; Received Insulin next; discovered & notified medical of slight foot swelling; received chow and then ordered to lower yard; |
| e. | 10-27-06 | 0730 Hours | Time spent on lower yard was in direct sunlight, unable to sit on steel stools, unable to rest or doze on wooden stage or concrete; spent a lot of time standing up in Sun until exhausted; |
| f. | 10-27-06 | 1530 Hours | Returned to upper yard, then rested and sat in shade, later tried to lay on bench, but belligerently ordered to move by Search Staff; presented medical trouble to "Captain Fos, & Captain Henry," both directed appellant to have a seat, ordered Med I response, and I was transferred to infirmary; |
| g. | 10-27-06 | 1430 Hours | Examined by TTA, advised no physician on duty, presented swollen feet and calves, EKG performed, Blood Sugar Spike, "355," directed to return to unit, upon return, cell ransacked & trashed, could not rest, spent hours trying to sort out combined property; |

ADDENDUM TO INMATE APPEALRESPONSE TO S.Q. SCREENING FORM

- h. 10-30-06 1600 Hours Swelling increased from feet, to ankles
shins, calves, knees, thighs, arms
& face; Physician Exam, "Code 2 Ambu-
lance summoned, transported to Marin
General and admitted, #904317047,
02-17-29-20,"
- o. 11-02-06 1700 Hours Discharged from Marin General, swelling
blood pressure, blood sugar decreased,
return to S.Q.

II.

1. Search was conducted in a retaliatory manner and publicly bragged about. Execution of search by S.Q. personnel was out of control, had inmates out until 0200 hours, there was no emergency circumstances, no escape, no inmate violence, assault, stabbing, shooting or killing!
2. Search policy did not include "universally known provisions," which require 'Insulin Dependent Diabetics' to eat, at the very least, forty-five minutes of receiving insulin; This Diabetic Policy is reigorously adhered to at all departmental institutions;
3. Search policy did not include provisions for removing canteen bought utensils, food heating tool, smashing meat items, throwing them on the floor and leaving boot prints all over them, pouring out half a 5 lb. can of lemonade into the toilet; all of which are needed to ensure self-monitoring of diet intake, in order to prepare my own meals when needed to offset non edible meals provided in the Chow Hall;

III.

Decision to forward this appeal regarding San Quentin Search Policy and its defective application to Receiving & Release Property Officer, is highly unreasonable and a mistake;

Request Appeal be processed as a Formal 1st Level Complaint," and submitted for 1st level or Review;

Kenneth Jerome Packnett
Kenneth Jerome Packnett

cc: file

Exhibit 'F'

November 25, 2006

ATT: Chief, Inmate Appeals
Director of Corrections
Post Office Box 942883
Sacramento, CA 94283-0001

kenneth Jerome Packnett
C-94858 1-N-37-L
CSP-San Quentin
San Quentin, CA 94974

RE: IMPROPER SCREENING DECISION; IMPLEMENTATION OF A SAN
QUENTIN SEARCH; BEYOND INSTITUTION POLICY AND
DESTRUCTIVE IN APPLICATION; [CCR §§ 3287(a)(2) & (a)(4);]

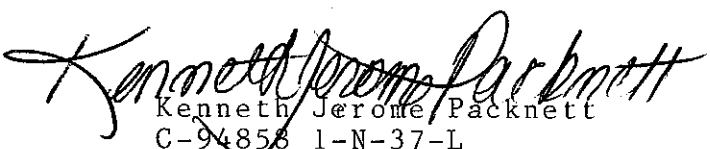
1. Enclosed appeal is required to be processed at the "Second
Formal Level Of Review;" [CCR §30844.5(a)(2)(D)] & [CCR § 3084.5(b)
(1)] "....a policy or procedure implemented by a institutional head."

- a) Institutional Search was conducted outside of established
departmental regulations; [CCR § 3287(a)(2)] & [CCR §
3287(a)(4)]
- b) Need ofr diabetic inmates to eat within forty-five (45)
minutes following insulin injection was not accommodated
until five (5) hours following shot;
- c) Items identified a being seized is a minute point included
to depict the full flavor of contested actions taken by
departmental officials

2. Here, in this case, San Quentin Appeals Coordinator(s) have
created a "Analytical Catch 22," by :

- a) Ignoring Substantive Policy Issue and Deliberate Indif-
ference to Serious Medical Needs; and
- b) Directing Appellant to forward appeal to a "Property Offi-
cer? Property Officer does not have the administrative
authority to initiate or conduct an examination in to
the above;

Appellant request that his appeal be processed as a Second
Formal Level and/or certification that no further relief is available
within the Department of Corrections.


Kenneth Jerome Packnett
C-94858 1-N-37-L

cc: file

INMATE APPEALS BRANCH

1515 S Street, Sacramento, CA 95814
P.O. Box 942883
Sacramento, CA 94283-0001



February 8, 2007

PACKNETT, CDC #C-94858
California State Prison, San Quentin
San Quentin, CA 94964

Re:

Dear Mr. PACKNETT:

The enclosed documents are being returned to you for the following reasons:

This office provides the Director's Level Review of inmate/parolee appeals. The form must be completed through the Second Level of Review on behalf of the Warden or Parole Region Administrator. This appeal issue should be submitted directly to the Appeals Coordinator for review and appropriate action.

Your assigned counselor, the Appeals Coordinator, or your Parole Agent can answer any questions you may have regarding the appeals process. Library staff can help you obtain any addresses you need.

A handwritten signature in black ink, appearing to be "N. Grannis".

N. GRANNIS, Chief
Inmate Appeals Branch

Exhibit 7 pg 2

****PERMANENT APPEAL ATTACHMENT-DO NOT REMOVE****

Appellant Received 2-15-07; Appellant Resubmit 2-18-07

Exhibit 'G'

DATE:	2-27-07
INMATE NAME:	PACKNETT
INMATE CDCR#:	E-000000 94858
CDCR-602-LOG#:	CSQ-3-07-00799
DATE INTERVIEWED:	4-9-07
APPEAL DECISION:	PARTIALLY GRANTED

Your appeal indicates San Quentin Search Policy Defective in Application; October 25, 2006, search conducted in an "Enraged Frenzy!" No Staff accountability, search receipts or identification. Retained in Chow Hall on October 26, 2006, until 0140 hours, created calf swelling; October 27, 2006, lower yard holding induced "shortness of breath, dizziness, unsteady walk, swollen legs!" "Blood Sugar 355, no physician on duty; Items improperly removed; 3-piece bowl set, white bottom blue lid; one (1) clear bowl with lid; one (1) stinger; one (1) box Ajax; (1) T.V. Board, made of cardboard; disinfectant in plastic spray bottle; and one (1) whisk broom.

You are requesting verification Improper search and medical condition needlessly aggravated; return of a 3-piece bowl set, white bottom blue lid; one (1) clear bowl with lid; one (1) stinger; all canteen purchased at California Medical Facility (CMF) and San Quentin State Prison (SQSP); Replacement Non-Flammable T.V. Board, with straps; disinfectant in plastic spray bottle; and one (1) whisk broom.

Your appeal is **partially granted**. Per California Code of Regulations (CCR), Title 15, Section 3084.5(f), a personal interview was conducted with you on Monday, April 9, 2007, by Facility Captain S. Henry, in the North Block Facility Captain Trailer, located on the lower yard.

Effective communication was established as you, inmate Packnett, indicated that you have completed one (1) semester of Junior College, you are able to read, write, speak and comprehend Basic English; and you are fully capable of understanding our discussion regarding your appeal issue.

During this interview, you were read your original CDCR 602 Inmate Appeal verbatim. Then provided the opportunity to fully explain the contents of this appeal and to provide any supporting information and or documents you might have obtained.

STATEMENT OF INMATE PACKNETT: You indicated a search was initiated, no consideration was given to you and your dietary needs following your insulin injection. You claim that you were not allowed food for up to five (5) hours after you received your insulin injection. Each time you or any other inmate would ask when would you receive your meal, you claim that staff responded, "In ten (10) to fifteen (15) minutes..." this went on until 2200 hours, when you claim to have been eventually fed. You indicate that you remained in the chow hall until 0200 hours. You were then returned to your assigned cell only to find that it was tore up.

Exhibit 6 #pg 1

FIRST LEVEL RESPONSE

Page 2

You claim that you experienced swelling of your extremities. You further claim that the following day, you were instructed to submit to an unclothed body search, after which you informed and showed the on duty Medical Technical Assistant (MTA) that you were swelling. You then received your insulin injection, ate breakfast, and then placed on the lower yard until approximately 1500 hours. Subsequently, when you returned to your assigned cell you observed that your limbs were swollen. Another inmate in your assigned unit informed you that you did not look well, and indicated that they would get staff. However, you claim that although you did not observe the inmate actually go and speak to staff that the inmate informed you that staff indicated that they saw you, and that you looked fine to them. Therefore, the staff member did not respond. You were subsequently approached by two Facility Captains who then had you transported to the infirmary for further evaluation. You claim that you were later transported via ambulance to the local hospital for further medical treatment. You claim that you were retained at the local hospital for four (4) days.

You are requesting verification of an improper search and medical condition needlessly aggravated; return of a 3-piece bowl set, white bottom blue lid; one (1) clear bowl with lid; one (1) stinger; all canteen purchased at California Medical Facility (CMF) and San Quentin State Prison (SQSP); and replacement non-flammable T.V. Board, with straps.

CONCLUSION: After a thorough review, to include a review of the Inmate Appeal CDCR 602; D.O.M. Chapter 5, Article 43, Inmate Property; San Quentin Operational Procedure # 0-0215 Inmate Personal Property and Cell Standards, a review of the scribe notes, cell search receipts from the unit search, interview with San Quentin medical staff and an interview with you, the following facts are determined.

On Monday, April 2, 2007, San Quentin Medical staff was contacted regarding your appeal issue. Health Information Patient Privacy Act (HIPPA) does not allow for medical staff to discuss your specific medical issues however, it was stated that your condition was not related to the search. Additionally, it is noted in your submitted report that you were seen by medical staff on October 27, 2006 at approximately 0730 hours and again on October 27, 2006, at 1530 hours.

Although there were some errors in the manner that staff conducted the search, it was by no means an improper search.

Your request for a replacement non-flammable T.V. Board, with straps; disinfectant in plastic spray bottle; one (1) whisk broom and canteen purchased before October 20, 2006, is **denied**.

In your appeal you claim that you lost a T.V. Board that was fashioned from cardboard however you are requesting a non-flammable Board. Because the board was fashioned from cardboard, it is considered a fire hazard and is therefore not authorized. Disinfectant /spray bottles and whisk brooms are cleaning supplies that is stored and

Exhibit 6 Pg #2

FIRST LEVEL RESPONSE

Page 3

maintained by the unit staff. This is not an item that is authorized to be retained in your cell. These items can be checked out by staff to clean your cell.

A review of your canteen purchases reflect that you shopped on September 22, 2006, and again on October 20, 2006. Because the search took place five (5) days after your last purchase, your request for all canteen purchased prior to October 20, 2006, are **denied**.

Due to staff error in documenting the results of your cell search, your request for the return of the following; a 3-piece bowl set, white bottom blue lid; one (1) clear bowl with lid; one (1) stinger; and canteen purchased on October 20, 2006, at San Quentin State Prison (SQSP); is **granted**.

Based on the above mentioned, I have offered to replace the item(s) Per California Code of Regulations (CCR), Title 15, Section 3084.7(e) *Lost or damaged personal property appeals* (2) *Replacement or restoration of property* which states;

- (A) An attempt shall be made by staff to use local resources to substitute for, or replace lost property at no cost to the state, or to repair the item at institution expense.
- (B) An appellant's refusal to accept repair, replacement, or substitution of like items and value **shall** be cause to deny the appeal.

- (1) Bowl with lid
- (1) Waltham Watch
- (1) Pair Tennis Shoes

You agreed to this offer and per CCR Title 15; Section 3084.7(e)(2)(A) I informed you I would provide you with the above listed items, as equal value replacement

My Signature indicates that I am in fact satisfied with the property portion of this appeal. This portion of my appeal is considered resolved.

Kenneth Packnett V50503 K. Packnett Date 4-12-07

C-94858

In addition to myself the following Correctional Staff have witnessed me signing this 602-appeal acknowledging my acceptance of the agreed upon replacement property.

Name R. [Signature] Date 4-11-07

Based on the above information, your appeal is **PARTIALLY GRANTED** at the **FIRST LEVEL** at the first level of review.

Exhibit 6. pg 3

FIRST LEVEL RESPONSE

Page 4

Should you have any questions regarding the above mentioned contact North Block, Correctional Sergeant K. Dennis.



S. HENRY
Facility Captain
North Block Lieutenant

4/12/07

Date

Exhibit 6 pg 4

COPY

TCSR40P
California Department of Corrections
Inmate Sales Receipt

Facility: SO
Commissary: CANI

Inmate Rcpt #: 456945
Com Rcpt #: 482002
Inmate ID: C94958
Inmate Name: PACKNETT, KENNETH
Inm Acct Type: INMATE
10-20-2006 10:58

Description	Qty	Price	Amount
ULTRA-BRITE (W)	2	1.60	3.20
TOOTHBRUSH	2	0.45	0.90
COLGATE, GEL 4.	2	0.30	0.60
FOLGERS COFFEE, 20	1	2.10	2.10
CHERRY COKE, 20	4	6.10	12.20
ORANGE SODA, 20	4	1.00	4.00
COCA COLA, 20	8	1.00	8.00
CHIP, BBQ, 100Z	1	1.65	1.65
CHIP, SC&O, 100	2	1.65	3.30
CHEDDAR POPCORN	5	1.05	5.25
PICANTE BEEF RA	5	0.20	1.00
MEAT LOG, SALAM	4	1.50	7.50
DELI BITES, TUR	4	0.45	1.80
BEEF & CHEESE, 1	9	0.55	4.95
BANANA SANDWICH	4	0.60	2.40
BABY RUTH CANDY	5	1.25	6.25
TORTILLA, FLOUR	1	2.65	2.65
CHEESE SQUEEZE,	1	1.00	1.00
MAYONNAISE	2	1.50	3.00
PEPPERS, YELLOW	3	0.55	1.65
RICE, INSTANT	6	2.25	13.50
OYSTERS, SMOKED	6	1.20	7.20
CHILI W/BEANS,	4	3.00	12.00
ROAST BEEF & GR	4	2.30	9.20
GROUND BEEF, ME	9	1.10	9.90
TUNA POUCH			
Total:			148.55

End Acct Balance:

Signature

Date

EXHIBIT 6 pg 6

copy

TCSR40P

California Department of Corrections
Inmate Sales ReceiptFacility: SO
Commissary: CAN1

Inmate Rcpt #: 453528

Com Rcpt #: 478384

Inmate ID: C94858

Inmate Name: PACKNETT, KENNETH

Inm Acct Type: INMATE

09-22-2006

10:17

Description	Qty	Price	Amount
LAUNDRY SOAP, A	1	2.00	2.00
ULTRA-BRITE (W)	1	1.60	1.60
TONE S/C	1	0.90	0.90
MURRAY'S POMADE	2	2.50	5.00
IRISH SPRING	2	0.60	1.20
FOLGERS COFFEE	30	6.10	18.30
LINE LEGAL PAPE	5	3.00	15.00
ROAST BEEF & GR	4	1.00	4.00
ORANGE SODA, 20	4	1.00	4.00
CHERRY COKE, 20	4	1.65	6.60
COCA COLA, 20	4	1.65	6.60
CHIP, SC&O, 100	1	1.85	1.85
CHIP, B&O, 100Z	7	1.40	9.80
CHEDDAR POPCORN	1	1.40	1.40
MAYONNAISE	1	2.65	2.65
SLICED JALAPENO	1	1.50	1.50
CHEESE SQUEEZE	2	0.45	0.90
SUGAR SUBSTITUT	11	0.60	6.60
BEEF & CHEESE	5	2.40	12.00
BABY RUTH CANDY	4	1.50	6.00
DELI BITES, TUR	5	0.55	2.75
MEAT LOG, SALAM	4	1.25	5.00
RICE, INSTANT	2	1.20	2.40
TORTILLA, FLOUR	7	1.25	8.75
CHILI W/BEANS	1	0.55	0.55
BAG COOKIE, ASS	4	2.25	9.00
BANANA SANDWICH	4	1.10	4.40
OYSTERS, SMOKED	16	2.30	36.80
TUNA POUCH	5	0.20	1.00
GROUND BEEF, ME	50	0.20	10.00
PICANTE BEEF RA			
Total:			178.95

End Acct Balance:

Exhibit C pg 7

Signature

Date

Exhibit 'H'

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: June 13, 2007

To: INMATE PACKNETT, C-94858
California State Prison, San Quentin

Subject: SECOND LEVEL APPEAL RESPONSE
LOG NO.: SQ 07-799

APPEAL ISSUE: PROPERTY

ISSUE:

Whether or not staff is responsible for the alleged loss of the appellant's personal property.

FINDINGS I

The appellant filing this appeal alleges that the San Quentin Search Policy is defective in application. On October 25, 2006 a search was conducted in an "Enraged Frenzy" and there was no staff accountability (search receipts or identification). Inmates were placed in the Dining Hall until 0140 hours which created swelling in his calf. On October 27, 2006 the inmates were held on the lower yard which induced shortness of breath, dizziness, unsteady walking swollen legs and his blood sugar to be 355. Appellant claims that items were inappropriately removed from his cell consisting of; a 3 piece bowl set white bottom blue lid, 1 clear cereal bowl with lid, 1 stinger 1 box of Ajax, 1 TV Board, disinfectant in a plastic spray bottle and 1 whisk broom. Therefore, the appellant requests verification of the improper search, return of ; a 3 piece bowl set white bottom blue lid, 1 clear cereal bowl with lid, 1 stinger 1 box of Ajax, 1 TV Board, disinfectant in a plastic spray bottle and 1 whisk broom

FINDINGS II

INTERVIEWED BY: K. Dennis, Correctional Sergeant

First level reviewer partially granted the appellant's appeal on the basis that medical staff was contacted and indicated that the appellant's medical condition was not related to the search. Additionally, it is noted that the appellant's submitted report indicates the appellant was seen by medical staff on October 27, 2006 at approximately 0730 hours and again on October 27, 2006 at 1530 hours. Appellant is advised that although there were some errors in the manner that staff conducted the search, it was by no means an improper search.

Exhibit # pg 1

INMATE PACKNET1, C-94858
CASE NO. 07-799
PAGE 2

The TV Board appellant requests to be replaced is denied in that the board was fashioned from cardboard and is considered a fire hazard and therefore not authorized. Disinfectant, spray bottles and whisk brooms are cleaning supplies that are stored and maintained by the unit staff. They are not items that are authorized to be maintained in the appellant's cell. The items can be checked out by staff to clean his cell.

A review of the appellant's canteen purchases reflect the appellant shopped on September 22, 2006 and again on October 20, 2006. The search took place five (5) days after the appellant's last purchase therefore, the request for replacement is denied. However, due to staff error in documenting the results of the search of the appellant's cell, the request for the return/replacement of the following items; a 3-piece bowl set, white bottom blue lid; one (1) clear bowl with lid; one (1) stinger and canteen purchased on October 20, 2006 at San Quentin State Prison is granted.

Based on the above the appellant was offered replacement items per CCR 3084.7(e) which states;

- (A) An attempt shall be made by staff to use local resources to substitute for, or replace lost property at no cost to the state, or to repair the item at the institute expense.
- (B) An appellant's refusal to accept repair, replacement, or substitution of like items and value **shall** be cause to deny the appeal.

- (1) Bowl with lid
- (1) Waltham Watch
- (1) Pair of Tennis Shoes

Appellant agreed to the offer and pursuant to California Code of Regulations (CCR) Title 15, Section 3084.7(e) (2) (A) appellant was informed he would be provided the items as equal value replacement. Appellant's signature indicates he is satisfied with the property portion of this appeal and this portion is considered resolved.

REGULATIONS: The rules governing this issue are:

**California Code of Regulations, Title 15, Section (CCR) 3193.
Liability.**

**California Code of Regulations, Title 15, Section (CCR) 3270.
General Policy.**

DETERMINATION OF ISSUES:

After review of the available documents, arguments having been presented, as well as referenced regulations, appellant's appeal has been thoroughly considered. Appellant is advised that a thorough inquiry was conducted into his concerns. The following information and facts were determined during the inquiry.

The compelling evidence and convincing argument presented has established that medical staff was contacted and indicated the appellant's medical condition was not related to the search. Additionally, it is noted the appellant submitted report indicates the appellant was seen by medical staff on October 27, 2006 at approximately 0730 hours and again on October 27, 2006 at 1530 hours.

Exhibit # pg 2

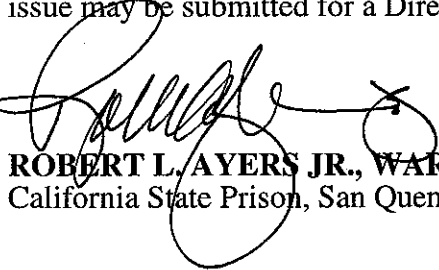
INMATE PACKNET 1, C-94858
CASE NO. 07-799
PAGE 3

Additionally, the request for the return/replacement of the appellant's property consisting of; a 3-piece bowl set, white bottom blue lid; one (1) clear bowl with lid; one (1) stinger and canteen purchased on October 20, 2006 at San Quentin State Prison was granted. The complication of circumstances combined with the verifying documentation indicates that all appropriate policies and procedures, with regards to the appellant's property were followed. Upon review of the documentation submitted, it is determined that the appellant's allegations have been thoroughly reviewed and evaluated at the First Level of Review.

The documentation and arguments presented are persuasive that the appellant failed to support his appeal issue with sufficient evidence or facts to warrant a modification of the First Level Response. Based on the submitted documentation, by both the appellant and first level reviewer, as well as discussions, this reviewer finds that the appellant's issues have been duly addressed. The Second Level Response and the decision reached are based upon a reasonable penological interest. Therefore, based on the information received and reviewed the appellant's appeal is denied.

DECISION:

Based on the above review, appellant's appeal is denied. Appellant has failed to substantiate his contentions documented in his appeal. The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.



ROBERT L. AYERS JR., WARDEN
California State Prison, San Quentin

Exhibit # pg 3

Exhibit 'I'

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: OCT 01 2007

In re: Kenneth Packnett, C94858
California State Prison, San Quentin
San Quentin, CA 94964

IAB Case No.: 0618100

Local Log No.: SQ-07-00799

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner A. F. Caton, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that staff at San Quentin State Prison (SQ) conducted an improper search on October 25, 2006, and lost some of his property in the process. The appellant states that staff removed him and other inmates from the housing unit during an "enraged frenzy" and staged them on the dining hall and Lower Yard for an extended period of time. He states that he is diabetic and his legs swelled while he waited in the staging area and there was no doctor on duty to treat his medical problem. According to the appellant, there was no accountability for property or search receipts and staff inappropriately confiscated a three-bowl set with lid, a clear bowl with lid, a stinger, a box of Ajax, a television (TV) board, disinfectant spray and a whisk broom. The appellant requests for staff to acknowledge that the search was improper and that his medical condition was aggravated needlessly. He also requests for all missing items listed above to be returned to him.

II SECOND LEVEL'S DECISION: The reviewer found that the appellant's medical problems were not attributed to the search. Staff contend that the appellant's own reporting establishes that he was seen at the clinic in the morning and in the afternoon on the date staff staged him on the Lower Yard. Institution staff acknowledged that there were some errors in the manner in which staff conducted the search, but it was not improper. Staff contend that the TV board was a fire hazard because it was made of cardboard and the spray bottle with disinfectant and the whisk broom are cleaning supplies inmates check out from the housing officers and are not for inmates to retain after use. Staff verified that the appellant made canteen purchases on September 22, 2006, and again on October 20, 2006. Staff denied the request to replace canteen items purchased prior to October 20, 2006. Institution staff acknowledged errors in documenting the results of the search and agreed to replace the three-piece bowl set, the clear bowl, the stinger, and missing canteen items purchased on October 20, 2006. Staff invoked the provisions of California Code of Regulations, Title 15, Section (CCR) 3084.7(e)(2)(A) and (B) and gave the appellant a bowl with lid, a watch, and a pair of tennis shoes. The appellant signed the First Level of Review (FLR) acknowledging that he agreed to the replacement items.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: In elevating the appeal to the Third Level, the appellant argues that staff placed him in the staging area shortly after he took his dosage of Insulin and deprived him from eating for five hours. He points out that he is supposed to eat within 45 minutes of taking Insulin and contends that staff did not take proper precautions to ensure his medical needs were addressed during the hold in the staging area; he states that he had to be taken to the emergency room and hospitalized due to staff's indifference to his medical needs and that he suffered permanent injury. It is noted that the appellant did not specify what the permanent injury was. He documented that his contentions about missing property items are only a minute issue he raised to illustrate the full flavor of the contested actions of SQ staff. The appellant is seeking a departmental response to the issue of deliberate indifference to his medical needs and/or affirmation that there is no further relief available within the Department.

The Director's Level of Review (DLR) notes that the institution did not respond with specificity to the appellant's concern about his medical needs during the events in question. The FLR, however, acknowledged that there were some errors in the manner that staff conducted the search and both FLR

EXHIBIT Z pg #1

KENNETH PACKNETT, C94858

CASE NO. 0618100

PAGE 2

and Second Level of Review pointed out that the appellant was seen by medical staff at 0730 and 1530 hours on October 27, 2006. Whether or not the appellant's allegations are true, the DLR recognizes that institution's staff's responsibility, as specified in CCR 3271 and 3397, to ensure inmate health and safety needs are met is not minimized by events such as the one in question; if medical needs dictate that the appellant must eat within 45 minutes of his Insulin treatment, staff are to ensure that medical need is met. It is unfortunate that the appellant experienced dizziness, swelling of his limbs and any other discomfort he experienced during the events in question. It is expected that all parties will learn from mistakes during those events and take steps to ensure those mistakes are not repeated. The examiner will recommend a referral to management.

The appellant is advised that there is no further relief through the appeals process for the medical problems he experienced during the events in question.

B. BASIS FOR THE DECISION:

CCR: 3084.7, 3193, 3271, 3287, 3350, 3397

CDC Operations Manual Section: 54100.22.3.1

C. ORDER: No changes or modifications are required by the Institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, SQ
Appeals Coordinator, SQ

Exhibit I pg 2

Exhibit 'J'

State of California

Department of Corrections

M e m o r a n d u m

Date: January 31, 2007


To: **NORTH BLOCK STAFF**From: **California State Prison - San Quentin, CA 94964**Subject: **DIABETICS EARLY RELEASE**

The following insulin/medication dependant diabetics require early release for breakfast and dinner. They require finger sticks for blood glucose meter at the nurse station for physician log and to determine the dosage needed of insulin/medication to maintain safe glucose level prior to eating. We have listed below the following inmates in North Block that require the above medical procedure. Please note, that this is a working list and may need to be added to or modified depending on housing moves:

NAME	CDC	HOUSING	ASSIGNMENT
Ligons, Ralph	T-45795	1-N-10L	MTRC2.004-PIA
Packnett, Kenneth	C-94858	1-N-37L	N/Assg.
Walton, Willie	J-25892	1-N-64L	WODC2.006-PIA
Williams, Tilden	D-61306	1-N-70L	MKSF1.001
Martinez, Tony	H-45482	1-N-76L	N/B Porter
Sefeldeen, K.	D-65574	1-N-96L	Law Clerk
Daniel, Louis	B-82157	1-N-97L	Hobby Shop Porter
Tatum, Charles	P-22671	2-N-23L	MATC2.113-PIA
Welsh, Steven	D-31595	2-N-67U	DCLA2.025
Branch, Louis	B-17786	2-N-83L	N/Assg.
Reynolds, Fred	E-05639	2-N-87L	MATC2.106-PIA
Brown, Vernis	J-75718	3-N-19L	LSC-2.019
Cruz, Domingo	T-98091	3-N-81L	LAUP1.002
Peters, Arylis	J-69345	3-N-89L	WODC2.010-PIA

This list is only for diabetics inmates and does not include any early release for inmates on daily 'Hot-Med.' or controlled narcotic medication.

If you have any questions, please feels free to contact me at North Block Triage Nurse office.


Robert Schwager, RN
 Triage Registered Nurse

Cc: North Block. Triage Nurse Station
 North Block Lieutenant, 1st, 2nd, and 3rd Watches
 North Block Sergeant, 1st, 2nd, and 3rd Watches
 North Block Officers Station

ORIGINAL

Exhibit 'K'

FRITSCHER J54718 Destroyed Photos	SUMMERS C-49138 PIA #1-18-L	JOHNSON C-13789 PIA 1-168-L	YBARRA C-18150 PIA HOBBY RECEIPTS
COOPER T-43842 SGT. CLK 4-100-U	TABAREZ C-22746 HEART/MED NO I.D	THOMAS D-38815 PROP/DECL. 2-79-L	O'DONNELL D-59324 PROP/DECL 1-N-95
ASGARI B. C-46746 MED/EXPSURE 1-98-L	KASER, R. D-59324 MED/SUPPLIES 2-25L	WIGFALL, P-72694 MED/BLANKET 589-L	DAVIS, R. K-27832 PROP/RECEIPT 4-6-L
PADGET, G. K-45050 DEST/PROPERTY 3-38-U	MENDEZ, A. H-24055 NO RECEIPT/EYEGLASSES	HODGES, J. J-69876 PROP/NO RECEIPT	CUENNEVILLE, R. V-96026 TOOK HEART MEDS
PENA, E. K-77082 NO/RECEIPT 3-14-L	WEISS, G D-92039 NO/RECEIPT 4-64-L	STEWART, C. H-51052 NO RECEIPT 4-88-U	CURRY, D. C-97616 NO RECEIPT 2-68-L
SEVIER C-28367 TK. DENTURES 2-83-L	LETTIER, K. E-50464 NO RECEIPT 3-92-U	MOSBY, D. B-70553 NO RECEIPT 2-63-U	RENN, A. K-26106 TK. DENTURES 2-12-L
REYES, P. C-79467 NO RECEIPT 4-76-L	DANIELS, L. B-82157 TOOK/MEDS 1-97-L	BROOKS, J. J-16851 TOOK MEDS 4-33-L	MOHAMMED, R. H-84354 NO STAFF I.D. 2-16-L
HARPER, J. J-78203 NO RECEIPT 2-101-U	MENCHACA, G D-87412 PIA 4-89-L	LEWIS, B. B-91616 PIA 4-88-L	REYNOLDS, D. H-21844 NO RECEIPT 3-37-L

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
DIWAYNE REYNOLDS	H21844	MUSLIM CLERK	3N-37-L

A. Describe Problem: The appellant filing this appeal contends that on Thursday October 26, 2006 the cell I am assigned to (3N-37) was searched during a total unit search by San Quentin Correctional Officers along with Captain Fox, who authorized this search. All of my possessions were turned upside down and mixed up with the possessions belonging to my cellmate. The Title 15, Section 3287(2) states; cell and property inspections are necessary in order to detect and control serious contraband and to maintain institution security.

If you need more space, attach one additional sheet.

(SEE ATTACHED SHEET) CONTINUATION

B. Action Requested: Appellant request full compensation for the loss of said property and the investigation into the manner in which the search was conducted, the destructive direction the search ultimately took and who gave that direction

Inmate/Parolee Signature: _____

Date Submitted: 11-3-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



Such inspections will not be used as a punitive measure nor to harass an inmate. Every reasonable precaution will be taken to avoid damage to personal property and to leave the inmate's quarters and property in good order upon completion of the inspection, **this was not the case** and is an abuse of the intent of the Title Section 3287(2). Ultimately my SuperII Radio and Timex Watch was taken, along with damage to My personal Headphone's. Then the search crew left without any written notification of item(s) taken or damaged and without restoring my cell to a reasonable state of decency. This clearly is another violation under Section 3287(4a), which states; The inmate will be given a written notice for any item(s) of personal and authorized state issued property removed from his or her quarters during an inspection and the disposition made of such property. The notice will also include any contraband removed. **No such written notice was given.** Under 3193 (Liability) states; the department does accept liability for the loss or destruction of inmate personal property when such loss or destruction results from employee negligence. Section 3004(b) Right and Respect of Others, states; Employees will not openly display disrespect or contempt for others in any manner intended to or reasonably likely to disrupt orderly operations within the institution or to incite or provoke violence. This violation by staff clearly compromised my safety, my person, property and created a health hazard. Finally, While it is unclear just what the actual intent of this search was, it is clear that a large portion of our population, including myself, was ultimately disrespected and intimidate by the brutal and targeted manner in which this search was conducted.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

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NAME Lewis, Brian	NUMBER B-91616	ASSIGNMENT PIA	UNIT/ROOM NUMBER 4n-88 Low
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On 10/26/06, during a total unit search in North Block, appellant's cell was searched and ransacked. During the search, one pair of reading eye-glasses, one pair sun-censors eye-glasses, one clear adapter, and one pair of NIKE Crosstrainers tennis shoes were either confiscated or thrown out onto the tier with the tons of other inmates' property. Contrary to CDCR regulations, a confiscated property receipt was not left. Under the "color of authority" the prison staff who conducted the cell search deprived me of my due process and civil rights. (42 U.S.C. § 1983.) The manner in which the unit search occurred violated Cal. Codes of Regs. tit. 15 §§ 3190(a), 3191, 3193, 3287(a)(2)-(4),

If you need more space, attach one additional sheet. Continue on Attached page

B. Action Requested: Pursuant to CCR-15 § 3193, the California Tort Claims Act, and 23 U.S.C. § 1391(b), that Appellant be fully compensated for the loss and destruction of said property, approximately \$145.00.

Inmate/Parolee Signature: Brian Lewis Date Submitted: 11-4-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



INMATE APPEAL continue

IN RE: Lewis, Brian, B-91616, 4N-88 Low

Confiscated or lost property during October 26, 2006 search

Department Operation Manual (DOM) §§ 54030.3, 54030.13, 54030.15, Case law (e.g., Wolff v. McDonnell, 418 U.S. 539, 558 (1974)), and federal due process under the 14th Amendment. The search was supervised by Correctional Captain R. Fox, and conducted by officers other than the assigned North Block staff. The search was not conducted in compliance with San Quentin's Institutional Procedures and departmental policies.

For example, in reference to cell searches, CCR-15 § 3287(a)(2) mandates, in pertinent part:

Such inspections will not be used as a punitive measure nor to harass an inmate. Every reasonable precaution will be taken to avoid damage to personal property and to leave the inmate's quarters and property in good order upon completion of the inspection.

CCR-15 § 3287(a)(4) also mandates that:

The inmate will be given a written notice for any item(s) of personal and authorized state-issued property removed from his or her quarters during an inspection and the disposition made of such property.

The 14th Amendment of the United States Constitution further states that:

[N]or shall any State deprive any person of life, liberty, or property, without due process of law.

(See Wolff v. McDonnell, 418 U.S. 539, 558 (1974).)

Staff involved in the total unit search totally ignored appellant's right to due process and equal protection under the law.

An action done under the color of law/authority is one done with the apparent authority of law but actually in contravention of law. A federal cause of action may be maintained against a state officer who under "color of law" deprives a person of his civil rights. (42. U.S.C. §1983.)

Brian Lewis

Signature

11-4-06

Date submitted

INMATE/PAROLEE**APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

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NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Menchaca, Gerardo	D-87412	PIA	4N-89 Low

A. Describe Problem: On 10/26/06, during a total unit search in North Block, appellant's cell was searched and demolished. During the search, my one Marble Slab, used for my in-cell hobby, was confiscated. (See Attached In Cell Handicraft Ledger.) A confiscated property receipt was not left. Under the "color of authority" the prison staff who conducted the cell search deprived me of my due process and civil rights. (42 U.S.C. § 1983.) The manner in which the unit search occurred violated Cal. Codes of Regs. tit. 15 §§ 3190(a), 3191, 3193, 3287(a)(2)-(4), Department Operation Manual (DOM) §§ 54030.3, 54030.13, 54030.15, Case law (e.g., Wolff v. McDonnell, 418 U.S. 539, 558 (1974)), and federal due process

If you need more space, attach one additional sheet.

Continue on attached page

B. Action Requested: Pursuant to CCR-15 § 3193, the California Tort Claims Act, and 28 U.S.C. § 1391(b), that Appellant be fully compensated for the loss and destruction of said property. (\$16.99)

Inmate/Parolee Signature: _____

Date Submitted: 11-03-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



In re: Confiscated property during October 26, 2006 cell search

Menchaca, Gerardo, D-87412, 4N-89 Low

under the 14th Amendment. The search was supervised by Correctional Captain R. Fox, and conducted by officers other than the assigned North Block staff. The search was not conducted in compliance with San Quentin's Institutional Procedures and departmental policies.

For example, in reference to cell searches, CCR-15 § 3287(a)(2) mandates, in pertinent part:

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(See Wolff v. McDonnell, 418 U.S. 539, 558 (1974).)

Staff involved in the total unit search totally ignored appellant's right to due process and equal protection under the law.

An action done under the color of law/authority is one done with the apparent authority of law but actually in contravention of law. A federal cause of action may be maintained against a state officer who under "color of law" deprives a person of his civil rights. (42. U.S.C. §1983.)


Signature

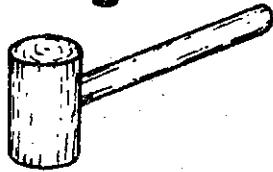
11-03-06
Date submitted

Mallets & Cutting Tools

D0248 Wooden Mallet

1-1/2" x 4" Hardwood head on a straight wooden handle. The low cost makes this mallet ideal for groups or beginners.

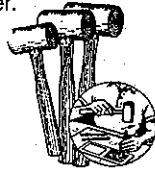
1.99



Rawhide Mallets

Rolled rawhide heads and contoured hardwood handles make these mallets a must for the serious leathercrafter.

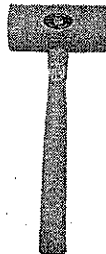
Size	Garland	Economy
6oz.	D0190 11.95	D0187 9.95
9oz.	D0191 14.95	D0188 11.95
11oz.	D0192 16.95	D0189 13.95
16oz.	D0178 18.95	



Garland Plastic Mallets

Resist wear and protect your tools. Mallet heads are made from Garland's Gar-Dus™, an ultra high molecular weight plastic. They give the power of other mallets with a minimum of bounce.

D0184	6 oz.	7.99 ea.
D0185	9 oz.	9.99 ea.
D0186	14 oz.	11.99 ea.

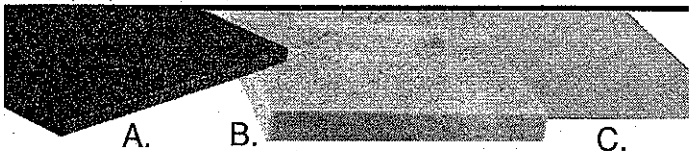


Poly Mallet

Polymer head mallets have minimal bounce for faster, easier stamping and won't damage your tools. They wear like iron!

D0194	9 oz.	10.99
D0195	14 oz.	13.99
D0196	20 oz.	17.99

NEW!



A. Rubber Pondo Boards

1/4" thick composition rubber mat to be used for knives and punches. The rubber surface saves your cutting edges as well as your table top. Also helps to reduce pounding noise.

Number	Size	Price
D0317	12x12	4.95
D0318	12x24	8.95
D0319	18x36	14.95
D0320	36x36	29.95
D0321	10x36	11.95

B. Marble Slabs

NEW!

For general purpose work. Provides the perfect foundation for tooling leather.

Number	Size	Price
D0323	6x12x2"	16.99
D0324	12x12x1-1/2"	19.99

C. Poly Cutting Board

NEW!

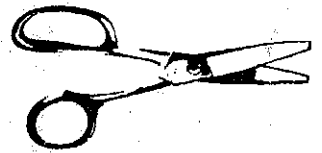
Ideal for cutting, punching and tooling board. Hi-Tech, low density

Number	Size	Price
D0325	6x6x1/2"	3.99
D0326	12x12x1/2"	10.99

D0307 Super Pro Shears

These **blunt edge** shears will cut through any leather with ease. Solid steel alloy shears have an 8" overall length with a 3" blade. Made in U.S.A.

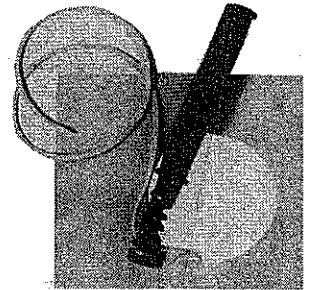
15.95 ea.



D0316 Lacemaker

Use your leather scraps to make your own lace. Cuts 1/8" to 3/16" strips from leather up to 8 oz. using D0269 blades. Works great on latigo bellies and heavy sueded cowplits.

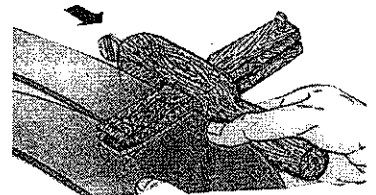
5.50 ea.



D0270 "The Original" Strap Cutter

Durable wood tool cuts belts and straps quickly and consistently. Adjusts from 1/8" to 4" wide, replaceable blades. Made in U.S. A. Includes two blades.

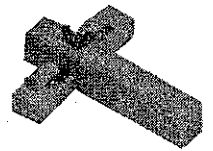
12.95 ea.



D0264 Strip Ease

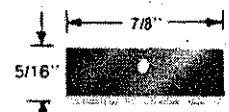
Cut strips up to 2 1/2" wide. Good for medium weight (5-7 Oz) leather belt blanks, billets, purse straps and more, includes 1 blade.

4.95 ea.



D0271 Strap Cutter Blades

2.00/10; 14.00/100;
100.00/1000

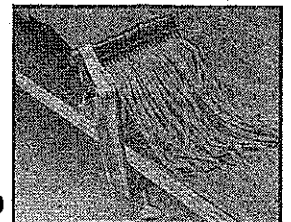


Jerry's Stripper - Lace Maker

Cut any thickness of leather from 1/8" to 3" wide in a minute. Perfect to cutting laces, belts, fringe and braiding (including 5 blades). Use D0277 blades

D0273 24.95 ea.

D0277 Blades 1.65/5 ea. 29.90/100



Leather Stripper Adapter

This attachment to the Jerry Stripper allows you to cut laces or fringe in multiples of 3/16".

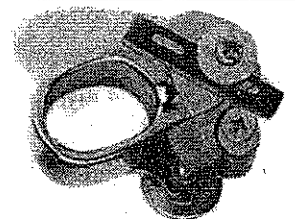
D0265 10.95 ea.



Australian Strander

This steel cast, chrome-plated strander has solid brass parts. Cut 1/2" wide lace, strips and thongs. Adjustable. Use D0269 Blades

D0276 7.95 ea.



IN CELL HANDICRAFT LEDGER

NO. D-87412 NAME MENCHACA

Case 5:08-cv-02517-JF Document 1-16 Filed 05/16/2008 Page 4 of 4

Date & Order No.	Quan.	Tools & Materials Purchased	Tool Cost	Mat'l Cost	Total Cost	Date Rec'd	Inventory Number	Article	Price	Date Sold
	1	MARBLE 6" x 12" x 2"								
	1	POLYURETHANE Mallet 12" x 3" x 2"								
	1	EDGER 5"								
	1	BEVELER 5"								
	1	EDGE LIMER 5"								
	8	CRAMPOOLS 4 1/4"								

DONATED BY
 LINA BODE 5/25/05

5-25-05
 mss

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

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NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Harper, John	J-78203	FURC2-011 PIA	2-N-101 up

A. Describe Problem: On 10/27/2006, custody staff conducted a search of my cell and when I returned to my cell after the search was over, I noticed that my cell was a mess and three of my personal property items had been removed from my cell. The three items were 1. AIWA AM/FM cassette player 2. AIWA ear-buds 3. Phazar wrist watch w/ black leather band were missing. No receipt was given for these items, and they are all three listed on my property card. Custody staff totally disrespected my cell as well as my personal property.

If you need more space, attach one additional sheet.

B. Action Requested: I request that San Quentin custody staff return my three missing items, replace items or reimburse me for my loss.

Inmate/Parolee Signature:

John Harper J78203

Date Submitted:

11/05/2006

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

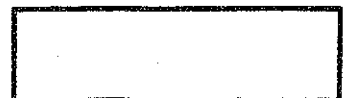
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE**APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

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NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Brooks, Jeff	J-16851	Upper Yard Recycle Crew	4N33L

A. Describe Problem: On October 26, 2006 I/M Brooks, J., J-16851, contends his cell was searched during a unit search and that the Medication listed below was discarded by Staff members and has not been replaced as of this date. The following items that are missing are: Pravastatin 20MG (approx. 25 day supply missing); Methocarbamol 750MG (approx. 25 days supply missing); Aspirin EC 81MG (approx. 25 days supply missing). All Staff needs to be instructed on the proper way to search a cell and to follow all the rules in the Title 15. No receipt was left behind for missing items.

If you need more space, attach one additional sheet.

B. Action Requested: For medication to be replaced A.S.A.P and for all supervisors who were in charge of this search be held accountable for the loss of medication and its value from their own personal pockets. That this writer is shown that staff who instituted this search must prove to this writer that they are paying to replace the lost medication.

Inmate/Parolee Signature: Jeff Brooks Date Submitted: 11-2-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim



Baha Asgari
CDC-46746/1N.98L
CSP. San Quentin, CA 94974

November, 2/2006

Honorable Chief Judge Thelton E. Henderson
U.S. District Court, Northern District
450 Golden Gate Ave.
San Francisco, CA 94102

Honorable Judge Henderson:

On 10/27/06, at approximately 8:00 AM I was taken out of my cell and strip searched out-of-doors in the cold and made to stand barefoot on the ground dotted with bird feces and saliva. I was then escorted to the prosthetic clinic per my ducat (See Exhibit A).

On this day there was a partial unit search of North Block (housing unit- San Quentin Prison), tiers one and two. I am housed on the first tier. It took about two hours for me to complete my appointment at the clinic, and I missed breakfast and my sack of lunch. I told several staff of my medical condition, but was ignored (See Exhibit B).

When I was finally allowed into my cell it was 8:00 pm. I spent a total of twelve(12) hours on the upper and lower yards. In the past, disabled and impaired prisoners were allowed in the Dining room for the duration of the search, which at most may last 6 hours, twelve hours was a painfully unbearable period.

Finally, 8:00 PM, when I was allowed in my cell, to my horror I found my cell floor covered up with my legal papers and my canteen trampled on. All of my medical pills and supplies were taken away. My physician prescribed bedboard along with the CDC-128C on the board was confiscated, and my mattress was on the ground and draped on the toilet.

I am a 69½ year old inmate disabled and could not understand how in the Heavens name an Institution could be allowed to operate in this manner. It is unconscionable that human beings could treat the elders and impaired with such contempt and indifference.

Respectfully,

Baha Asgari

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

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NAME Daniels, Louis	NUMBER B-82157	ASSIGNMENT PORTER HOBBY SHOP	UNIT/ROOM NUMBER 1-N-97/L
-------------------------------	--------------------------	--	-------------------------------------

A. Describe Problem: Between October 26th and 27th 2006, the cell that I lived in was demolished by the C/o's, for No Good reason, these officer's, throw all of my high blood pressure medication and my lipitor medication, that helps to keep me from having a stroke or heart attack out, along with all other medication's, that I had, these c/s's did not care that I needed these medication's. All these c/o's cared about that day was destroying everything in north Block, there was no justification for what these humanbeing did, I have never in all the 30 years I have been in prison,

If you need more space, attach one additional sheet.

B. Action Requested: _____

Inmate/Parolee Signature: *Daniel L* Date Submitted: 10-27-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

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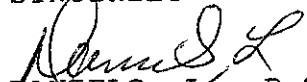
CDC Appeal Number:



seen so much contempt for other human being, yes we are prisoner,
but that is no reason to do what was did that day, I have always had
respect for the c/o's but I did not know that I was hated by so many
Prison Guards this is a sad day, for all human beings.

THANK YOU FOR YOUR TIME IN THIS MATTER

SINCERELY

 11-05-06
DANIELS, L. B-82157
1-N-97/L

cc

C/O BUSSAIN

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE
APPEAL FORM

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NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Mr. Reyes P.	C-79467	Machine shop	4-N-76L

A. Describe Problem: On October 26, 2006, there was a search down of North Block building and during this search down personal property items were removed from my cell without written notice as required pursuant to Title 15, CCR 3287.(4)(d). Certain staff officials and under staff failed to follow establish rules, procedures and policies during this major search of cells and when they removed from my cell hobby craft equipment, such as: One Marble slave "6X12"; One pound-ing board "6X12"; One piece of leather "18X40". As a result of not receiving a Confiscated Property Receipt I have attached a Declaration under penalty of perjury in support of my as-sertions, also there are witnesses and other prisoners that did not receive written notice.

If you need more space, attach one additional sheet.

B. Action Requested: I respectfully request my hobby craft equipment be returned to me and the staff that removed my hobby craft equipment from my cell be reprimand for failure to follow proced-ures. Thank you!

Inmate/Parolee Signature: Procopio Reyes M. Date Submitted: 11-2-06

C. INFORMAL LEVEL (Date Received: 11-11-06)

Staff Response: I RESPECTFULLY UNDERSTAND YOUR ISSUE. ALL CONFISCATED PROPERTY WAS TAKEN DOWN TO SERGEANTS OFFICE WHERE APPOINTED SCRIBES WERE TO WRITE RECEIPTS. PERSONALLY I DID NOT, AT ANY TIME, REMOVE A MARBLE SLAVE OR A PIECE OF LEATHER. MANY OFFICERS WERE INVOLVED IN THE SEARCH AND MULTIPLE OFFICERS SEARCHED SAME CELLS. I AM INQUIRING INTO WHO MY PARTNER WAS ACCORDING TO SCRIBE LIST TO SEE IF THEY REMOVED YOUR ITEMS

Staff Signature: [Signature] Date Returned to Inmate: 11/13/06

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

I am dissatisfied with Informal Level response because it does not resolve the problem or return my personal property, and thus I re-assertion my CDC-602.

Signature: Procopio Reyes Date Submitted: 11-20-06
 Note: Property/Funds appeals must be accompanied by a completed
 Board of Control form BC-1E, Inmate Claim
 CDC Appeal Number:



DECLARATION OF REYES P., CDCR ID #C-79467

I, Reyes P., am the Appellant in the above attached CDC-602, Log No. _____, in San Quentin State Prison, in the County of Marin, California, and I do hereby Certify and Declare this 1 day of November 2006, that the following is true and correct under the penalty of perjury and being Sworn, and declare that:

I am a prisoner housed herein San Quentin State Prison, housed in North Block building unit (4-N-76L), and on October 26, 2006, there was a major search of all cells or housing quarters in this Building and during this search down my authorized personal property was removed from my housing 4-N-76L, without cause and without the required written notice as directed in California Code of Regulations Title 15. Section 3287.(a) (4) and (d); the items removed from my quarters 4-N-76L, are as follow:

1.) One Marble slave 6" X "12; 2.) One pounding board 6" X "12; 3.) One piece of leather 18" X "40.

VERIFICATION

STATE OF CALIFORNIA COUNTY OF MARIN
(C.C.P. §446 & 2015.5; U.S.C. §1746)

I, Reyes P., Declare under the penalty of perjury that: I am the Appellant in the above CDC-602 inmate appeal action; I have read the foregoing CDC-602 Inmate/Parolee Appeal Form, and the instant Declaration and know the contents thereof; and the same is true of my own knowledge except as the matters stated therein upon information and belief, and as to those matters I believe to be true.

EXECUTED THIS 1 DAY OF NOVEMBER 2006, AT SAN QUENTIN STATE PRISON IN THE COUNTY OF MARIN, CALIFORNIA


Declarant/Reyes P., CDCR ID # C-79467

IN CELL HANDICRAFT LEDGER

DEPARTMENT OF CORRECTIONS

NO. C-79467 NAME Reyes

Cell no. 77000000 4-6-00

Date & Order No.	Quan.	Tools & Materials Purchased	Tool Cost	Mat'l Cost	Total Cost	Date Rec'd	Inventory Number	Article	Price	Date Sold
514418	1	STAMPING TOOLS ALL UNDER			4 1/2					
1	1	MARBLE SLAVE 6x12								
1	1	SNAP SETTER 9 PIECES								
1	1	SNAP SETTER 9 PIECES	1/2		70					
1	1	EDGE BEVELER 1/2	1/2		4 1/2					
1	1	4 IN ROUNDOLE MATCH	4 1/2		70					
1	1	MINI PUNCH SET 2 Pcs	ALL UNDER 3 1/8		5 BIT DISC AND 4-6-00					
1	1	BOARD BOARD								
1	1	Mallet wood handle	12 1/2	3 1/4						
1	1	ONE PRONG STITCHING TOOL	4 1/2	1/8						
1	1	SNAP FASTER 2 Pcs	UNDER 3"							
1	1	BONE FOLDER Plastic	6"							
1	1	ADJUSTABLE GROOVER	4 1/2							
1	1	2 PRONG STITCHING TOOL	4 1/8							
1	1	5 PRONG STITCHING TOOL	4							
1	1	8 PRONG STITCHING TOOL	4 1/2							
1	1	4 PRONG STITCHING TOOL	4 1/2							
1	1	PORTABLE LAMP	7 1/2	4 1/4						
1	1	PORTABLE LAMP PLASTIC	7 1/2	4 1/4						
1	1	TOOL BOX (PLASTIC) Red								
1	1	PLASTIC BOARD 12x24	CUTTING							
1	1	3 PRONG STITCHING TOOL	4 3/4							
1	1	2 PRONG STITCHING TOOL	4 1/4							
1	1	SWIFT KNIFE WITH 5 SWIFT KNIFE	1 1/2							
1	1	BALL POINT STYLUS 1 1/4								
1	1	Metalworking Spoon 1 1/2								
1	1	Single Tooth Ratchet 3 3/4								

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

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NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
RENN, Anthony	K-26106	S., Q., T., V.	2-N-12L

A. Describe Problem: *The appellant filing this appeal contends that on 10/25/06, appellants cell was searched during a total unit search. Personal property (see attached) was confiscated and ultimately lost or destroyed by staff.*

If you need more space, attach one additional sheet.

B. Action Requested: *Appellant requests that he be fully compensated for loss of said property items.*

Inmate/Parolee Signature: *Anthony C. Renn*

Date Submitted: *11/06/06*

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

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Board of Control form BC-1E, Inmate Claim



Many of these items have a receipt and proof of purchase that appellant is currently putting together from his family and will be attached at a later date. Due to time constraints it was not possible to attach at this time.

Lost Items

1 pair personal prescription eye glasses	\$380.00
these glasses were recently purchased by my family and sent through the medical dept here. receipt to follow.	
8 CD's in CD Wallet	\$128.00
1 pair new Levi 501 blue jeans Walkenhorsts	35.00
1 clear power strip surge protector	11.00
1 calculator	4.00
1 metal hot pot	20.00
1 mighty bright clip on light	10.00
2 tupperware bowls	6.00
1 Nike shoes 10½ new Walkenhorsts	45.00
Total	639.00

Also lost were my dentures that were made for me here at S.Q. some hobby was destroyed in my cell and a 12x12 framed raiders mirror is missing. There is no real value for the hobby however, the dental department should be made aware of the loss of my dentures.

Anthony C Rem
K-26106 2N124

To: R. Fox, Correctional Captain
 Date: October 25, 2006
 Inmate Appeal: continuation Exhibit A

INMATE NAME: *RENN, Anthony*

Commitment NO: *K-26106*

In order to create a protected liberty interest in the prison context, a state regulation must use explicit mandatory language, "in connection with the establishment of 'specific substantive predicates' to limit official discretion, and thereby require that a particular outcome be reached upon finding that the relevant criteria have been met." *Hewitt v Helms*, 459 U.S. 460, 472

The fourteenth amendment of the U.S. Constitution reads in part: "nor shall any State deprive any person of life, liberty, or property, without due process of law," and protects "the individual against arbitrary actions of government," *Wolf v McDonnell*, 418 U.S. 539, 558 (1974).

Stated simply, "a state creates a protected liberty interest by placing substantive limitations on official discretion." *Olim v. Wakinekona*, 461 U.S. at 249.

The Department's rules regarding this case are contained in the California Code of Regulations (CCR) Title 15, Section(s) 3190(a), 3191, 3193, 3287(a)(2)(4), DOM 54030.3, 54030.13., 54030.15.

As this particular search was conducted by other than North Block staff (assigned officers and sergeant), corrective measures implemented to prevent abuse of inmate personal property were ignored, and the search was conducted without compliance with San Quentin's Institutional Procedure(s) and departmental policies. The total unit search was supervised by Correctional Captain R. Fox.

In reference to the cell search, CCR 3287(a)(2) reads in part..."Such inspections will not be used as a punitive measure nor to harass an inmate. Every reasonable precaution will be taken to avoid damage to personal property and to leave the inmate's quarters and property in good order upon completion of the inspection." Search staff completely ignored this provision and were disrespectful of inmates personal property and conditions of their living quarters.

CCR 3287(a)(4), also reads,..."The inmate will be given a written notice for any item(s) of personal and authorized state-issued property removed from his or her quarters during an inspection and the disposition made of such property." Again, search staff completely ignored this provision and no written notice for any item(s) taken were provided (see also, DOM 54030.13).

Each employee involved in the handling of an inmate's property shall make the extent of such involvement a matter of record (DOM 54030.3).

The Department assumes no liability for loss, theft, or damage to items of personal property after issue, unless the loss is the result of employee negligence (refer to CCR 3193).

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
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CDC 602 (12/87)

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NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Mosby, Donald	B-70553	P.M. Cook	2-N-634P

A. Describe Problem: On 10-27-06 North Black DAO put me total lock-down for the purpose of conducting a complete total search. The entire search took all of two days. At the conclusion of the search I returned to my assigned cell, where I discovered that both my J-Bliss radio, cassette, C.O. player, and parasonic beard trimmer was nowhere to be found. And there was no paperwork left to indicate who actually did the search, or what they took & why! All these things are on my property card... My personal receipts can not be found anywhere in the mess the DAO did...
If you need more space, attach one additional sheet.

B. Action Requested: Would like to have these things either replaced or at least paid for! My family wants hard to help me with these things, that the search party so obviously held no respect for!

Inmate/Parolee Signature: Donald Mosby Date Submitted: 10-28-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

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INMATE/PAROLEE

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NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
LETTIER, Keith	E50464	P.M.A. 2.024	3N/92

A. Describe Problem: During a North Block (unit) search at San Quentin on 10/26/06 a cell search was conducted in my assigned area - 3-N-92" without my presence. Upon returning to the cell I discovered a multitude of authorized items missing without a receipt, nor a staff accountability slip. The following items were taken: unopened "Glucosamin-Chondroitin-MSM" (dietary supplement) = 24.99; 1/2 used "Alpha Lipoic Acid" (dietary supplement) = 12.99 new; "Hanes Long Sleeve White XXL T-shirt" (10.99); unused Lemon Juice = .79; unopened Tide Detergent = 6.99; Prayer Oil "Anamix" = 5.75 & "Casimir" = 8.75; 1 Bag of "Hershey Mini Chocolate Bars" = 12.00; Veterans Food Sale; 25 self-made Greeting Cards = \$2.58 ea (I am in the "In-Cell Hobby Program"); and a "Casio Wrist Watch" = expired battery & w/o wrist bands, estimated condition \$45.00. See exhibits.

If you need more space, attach one additional sheet.

B. Action Requested: Items returned - Compensation.

Inmate/Parolee Signature: Keith L. Lettier

Date Submitted: 10/26/06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

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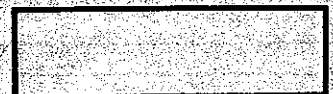
Signature: _____

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Board of Control form BC-1E, Inmate Claim



[illegible]

CC

walkenhorst's

1774 Industrial Way, Napa, CA 94558
 Phone Toll Free: 877-660-9255 - Fax 707-255-1974
 www.walkenhorsts.com

MAG NO.	PAGE #	DATE	CUST. NO.	ORDER NO.
522219	1	5/12/2006	SQSP	30304612

WORK ORDER / INVOICE

Quarterly Package

S 0000522219
 O SAN QUENTIN STATE PRISON
 L MAIN STREET
 D SAN QUENTIN, CA 94964

S
 H SAN QUENTIN STATE PRISON GP
 I GENERAL POPULATION
 P 13 MAIN ST
 SAN QUENTIN, CA 94964

T
 O

T
 O

ORDER DATE	REFERENCE	SHIP VIA	SHIP TO	SHIPPING POINT	PICKED	PACKED		
5/11/2006		UPS						
BUYER	DATE REQUESTED	LOCATION	SALESPERSON	TERMS	TERRITORY			
	5/11/2006	MAIN	MCO	PREPAID	BASIC CALIFORNI			
ITEM NO. BIN NO.	DESCRIPTION		QUANTITY ORDERED	QUANTITY BACK ORDER	QUANTITY SHIPPED	UNIT PRICE	EXTENSION	
00005000	*****QUARTERLY PACKAGE*****		1		1	0.00	0.00	T
04018027	PH62022	Philips CD Lens Cleaner	1		1	7.97	7.97	T
04018014	AANH4	ENERGZR "AA" 4 pk NiMH Battery	1		1	15.97	15.97	T
02022004	25A19/FR-130	25 Watt Light 2Pk	1		1	3.97	3.97	T
07515104	5186	White 2XL Hanes Long Sleeve T Shirt	1		1	10.47	10.47	T
03111001	69209	Coast Bath Soap 3x4.5 oz	1		1	3.39	3.39	T
03111576	26551	Bertolli Extra Virgin Oil	1		1	19.97	19.97	
03111708	S-12977	Badia Arbol Chili Pods 6	1		1	3.99	3.99	
03111731	16387	Dry Pinto Beans 16 oz.	1		1	1.29	1.29	
03111733	16024	W/F Green Lentils 16oz	1		1	0.99	0.99	
03111908	69553	Single Zest Bath Soap 5oz	1		1	1.09	1.09	T
03111929	68646	Tide Free Powder Wear Car	1		1	14.99	14.99	T
03111960	32000	WF Spaghetti 16 oz.	2		2	1.29	2.58	
34789108	10003	Msn SalsaRoja Triangle 24	1		1	4.49	4.49	
34789109	11120	Msn Tortilla Strips 28oz	1		1	4.49	4.49	
34789111	12011	Tort. Guacamole Triangle 24 oz.	1		1	4.49	4.49	
03112023	27851	Rt/Grd A/P Fresh Gel 3 oz.	1		1	3.99	3.99	T
03112103	25414	VIC Aloe & Natural 24.5oz	1		1	8.99	8.99	T
03112325	44696	J&J Baby Shampoo 15 oz.	1		1	4.79	4.79	T
03112259	21703	J&J Baby Oil W/ Vit. E & Aloe	1		1	4.99	4.99	T
SUBTOTAL			STATE			TAX		
122.90			5.86			5.99		134.75
COUNT ON WALKENHORST'S FOR PROMPT FRIENDLY SERVICE!!							ORDER NO.	TOTAL ORDER VALUE
							30304612	

Original 2

Mystic Essence
103 Smith Street
Brooklyn, NY 11201
(718)855-3368

S A L E S R E C E I P T

Invoice No. 20440

Date: 08/16/04

Sales Rep: SH

P.O. # : 8/21bs

CN:102266

Bill to:

SQSP, E-50464, 3N92
SAN QUENTIN, CA
94974-

Ship to:MR.KEITH L. LETTIER

SQSP, E-50464, 3N92
SAN QUENTIN, CA
94974-

Attn. K. LETTIER

Attn. K. LETTIER

Ln	No	Qty	Tax	Item	SKU	Unit Price	Total
1	1	Y		COCONUT (BLACK) 1 OZ	E1501	3.75	3.7
2	1	Y		BLUE NILE 8 OZ	D2008	11.75	11.7
3	1	Y		HEART OF ROSE 1 OZ	D8301	4.50	4.5
4	1	Y		POLO SPORT(MEN) 1 OZ	D14201	5.75	5.7
5	1	Y		TOMMY 1 OZ	D16701	5.75	5.7
6	1	Y		VANILLA FIELD 1 OZ	D17501	5.75	5.7
7	1	Y		ARAMS 1 OZ	D901	5.75	5.7
8	1	Y		CASUAL 2 OZ	D3102	8.75	8.7
9	1	Y		SHIPPING & HANDLING	S104	9.25	9.2
10	1	Y		(-)PAID ADV.BY MONEYORDER	S106	-72.00	-72.0

Notes:

AMOUNT REFUNDED: 11.00

SUBTOTAL: -11.00

Tax : 0.00

CHANGE DUE 0.00

TOTAL: -11.00

TYPE OF REFUND- CASH

PLEASE RETAIN THIS INVOICE FOR CORRESPONDENCE.

NutritionExpress®

America's Best Supplements - up to 60% OFF!

Thank you for your order!

Mailing Address: P.O. Box 3669 · Torrance, CA 90510-3669
 Shipping Address: 2570 West 237th St. · Torrance, CA 90505
 Order Online: NutritionExpress.com
 Order Toll Free: 1-800-338-7979 24 hours
 Order by Fax: 1-310-784-8522 24 hours
 Business Office: 1-310-784-8500 M-F 8am to 5pm Pacific

Question? Please call our toll-free Customer Care regarding returns,
 shipments, or any other status on your orders.
 Customer Care: 1-800-338-7979 M-F 8am-5pm Pacific
 Email Address: CustomerCare@NutritionExpress.com

***** Packing Slip *******BILL TO:**

Larry Lettier
 1651 Lombardy Rd
 Gardnerville, NJ 89410

SHIP TO:

Keith L Lettier E50464
 San Quentin State Prison
 1651 Lombardy Rd 3N-92
 San Quentin, CA 94964

INVOICE # W1345031	TERMS LETTER/IRENE	ORDER TYPE MAIL ORDER	CLERK CS	PAYMENT METHOD CHECK				
ORDER DATE 05/12/05	SHIP DATE 05/12/05	SHIP METHOD UPS Commercial	ZONE 4	CUSTOMER CODE LETTI-K-949-1				
Item Number	Product Description	Size	Order	Ship	B/O	MSRP	Our Price	Total
94-540	Glucosamine Chondroitin MSM 375/300/250mg by FITNESS LABS	240 C	1	1	0			
99-13460	Alpha Lipic Acid 300mg by LINDBERG	60 C	1	1	0			
						Subtotal		
						CA Sales Tax 7.250%		
						Shipping Charge		
						Invoice Total		
						Prior Credit/(Debit)		
						Total Payment		
						Balance Due		

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
SEUIER J	C-29367	NORTH BLOCK PORTER	2-N-834

A. Describe Problem: AFTER PREVIOUSLY FILING A 602 ON MISSING PROPERTY THAT WAS TOOKED FROM ME ON THE SEARCH THAT TOOK PLACE IN NORTH BLOCK ON 10-27-06

AFTER CLEANING UP MY CELL AFTER THE MAJOR SEARCH WHICH TOOK ME A COUPLE DAYS I CAME TO REALIZE THAT MY DENTURE'S WAS MISSING ONE OF THE OFFICER THEW IT AWAY

If you need more space, attach one additional sheet.

B. Action Requested: I WOULD LIKE MY DENTURE'S REPIACED

Inmate/Parolee Signature: Jeff Sevier Date Submitted: 11-1-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

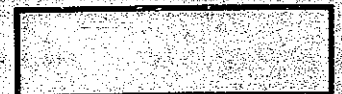
D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Mohamed YR	H84354	BLK. Barber	2N/6L

A. Describe Problem: The appellant filing this appeal contends that on 10/27/06, appellant's cell was searched during a total unit search and personal property (list here) were confiscated and ultimately lost or destroyed by staff. → C/O Sarabia

I've attached the → Tommy Hilfiger 16 oz Bottle Fragrance Oil
order form to my 602 Oscar 8 oz Bottle Fragrance Oil

If you need more space, attach one additional sheet.

B. Action Requested: Appellant request that he be fully compensated for the loss of said property items

Inmate/Parolee Signature: Mohamed Ronnie Date Submitted: 10/30/06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



**Discount Fragrances Online
Including Discount Designer
Fragrances & Fragrance Oils**

Order Number: 100903

Bill To:

Diana Grandy
264 S. Lacienea Blvd. #711
Beverly Hills, CA 90211
US

Gold Star Fragrances, Inc.
100 West 37th Street
New York, NY 10018
US

212.279.4474

Ship To:

Ronnie Mohamad
#H84354 2N16
SAN QUENTIN STATE PRISON
SAN QUENTIN, CA 94974
US

gs-sales@goldstarfragrances.com
<http://www.goldstarfragrances.com/shop/>

Phone - Email:

323-882-4102 - untilweeat@aol.com

Order Date:

09/26/2006

Order Number:

100903

Item #:	Product Name:	Quantity:	Unit Price:	Total:
FKU574UN	Kush Options: 8 Oz Bottle Fragrance Oil	1	\$20.50	\$20.50
FTO515TMA	Tommy Hilfiger [M] (Type) Options: 16 Oz Bottle Fragrance Oil	1	\$48.00	\$48.00
FOS271TFE	Oscar de (Type) <i>men</i> Options: 8 Oz Bottle Fragrance Oil	1	<u>\$24.75</u>	\$24.75
Subtotal:				\$93.25
Tax:				\$0.00
Shipping:				\$17.51
Total:				\$110.76

(UPS: 3 Day Select)

If you have any questions regarding your order please telephone the number at the top right of this receipt or email gs-sales@goldstarfragrances.com

**CUSTOMER
COPY**

PAID

To: R. Fox, Correctional Captain
Date: October 25, 2006
Inmate Appeal: continuation Exhibit A

INMATE NAME: Mohamed Ronnie

Commitment NO:

In order to create a protected liberty interest in the prison context, a state regulation must use explicit mandatory language, "in connection with the establishment of 'specific substantive predicates' to limit official discretion, and thereby require that a particular outcome be reached upon finding that the relevant criteria have been met." *Hewitt v Helms*, 459 U.S. 460, 472

The fourteenth amendment of the U.S. Constitution reads in part: "nor shall any State deprive any person of life, liberty, or property, without due process of law," and protects "the individual against arbitrary actions of government," *Wolf v McDonnell*, 418 U.S. 539, 558 (1974).

Stated simply, "a state creates a protected liberty interest by placing substantive limitations on official discretion." *Olim v. Wakinekona*, 461 U.S. at 249.

The Department's rules regarding this case are contained in the California Code of Regulations (CCR) Title 15, Section(s) 3190(a), 3191, 3193, 3287(a)(2)(4), DOM 54030.3, 54030.13., 54030.15.

As this particular search was conducted by other than North Block staff (assigned officers and sergeant), corrective measures implemented to prevent abuse of inmate personal property were ignored, and the search was conducted without compliance with San Quentin's Institutional Procedure(s) and departmental policies. The total unit search was supervised by Correctional Captain R. Fox.

In reference to the cell search, CCR 3287(a)(2) reads in part..."Such inspections will not be used as a punitive measure nor to harass an inmate. Every reasonable precaution will be taken to avoid damage to personal property and to leave the inmate's quarters and property in good order upon completion of the inspection." Search staff completely ignored this provision and were disrespectful of inmates personal property and conditions of their living quarters.

CCR 3287(a)(4), also reads,..."The inmate will be given a written notice for any item(s) of personal and authorized state-issued property removed from his or her quarters during an inspection and the disposition made of such property." Again, search staff completely ignored this provision and no written notice for any item(s) taken were provided (see also, DOM 54030.13).

Each employee involved in the handling of an inmate's property shall make the extent of such involvement a matter of record (DOM 54030.3).

The Department assumes no liability for loss, theft, or damage to items of personal property after issue, unless the loss is the result of employee negligence (refer to CCR 3193).

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE

APPEAL FORM

CDC 802 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Dewayne Curry	C92616	P.I.A	2-68 upper

A. Describe Problem: ON 10-25-06 Cpt R Fox ORDER a Search of North Block. upon my cell being Search item's were Taken By Searching Staff, meaning Cateen and Perkaque item's which i had Just Receive 10-23-06 along with Perna's Pictures's Legal Paper's Paper's Pictures's and misalices Paper's. upon returning to my cell i seen item's & Property of mind on the 1st tier in an 2nd which Staff would not let me get

If you need more space, attach one additional sheet.

B. Action Requested: I would like for my Property that was lost & Taken replace to me. I have attach a List of the item's and the amount & Price's

Inmate/Parolee Signature: Dewayne Curry Date Submitted: 11-6-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim



To: R. Fox, Correctional Captain
Date: October 25, 2006
Inmate Appeal: continuation Exhibit A

INMATE NAME: *Dwayne Curry*

Commitment NO: *C97616*

In order to create a protected liberty interest in the prison context, a state regulation must use explicit mandatory language, "in connection with the establishment of 'specific substantive predicates' to limit official discretion, and thereby require that a particular outcome be reached upon finding that the relevant criteria have been met." *Hewitt v Helms*, 459 U.S. 460, 472

The fourteenth amendment of the U.S. Constitution reads in part: "nor shall any State deprive any person of life, liberty, or property, without due process of law," and protects "the individual against arbitrary actions of government," *Wolf v McDonnell*, 418 U.S. 539, 558 (1974).

Stated simply, "a state creates a protected liberty interest by placing substantive limitations on official discretion." *Olim v. Wakinekona*, 461 U.S. at 249.

The Department's rules regarding this case are contained in the California Code of Regulations (CCR) Title 15, Section(s) 3190(a), 3191, 3193, 3287(a)(2)(4), DOM 54030.3, 54030.13., 54030.15.

As this particular search was conducted by other than North Block staff (assigned officers and sergeant), corrective measures implemented to prevent abuse of inmate personal property were ignored, and the search was conducted without compliance with San Quentin's Institutional Procedure(s) and departmental policies. The total unit search was supervised by Correctional Captain R. Fox.

In reference to the cell search, CCR 3287(a)(2) reads in part..."Such inspections will not be used as a punitive measure nor to harass an inmate. Every reasonable precaution will be taken to avoid damage to personal property and to leave the inmate's quarters and property in good order upon completion of the inspection." Search staff completely ignored this provision and were disrespectful of inmates personal property and conditions of their living quarters.

CCR 3287(a)(4), also reads,..."The inmate will be given a written notice for any item(s) of personal and authorized state-issued property removed from his or her quarters during an inspection and the disposition made of such property." Again, search staff completely ignored this provision and no written notice for any item(s) taken were provided (see also, DOM 54030.13).

Each employee involved in the handling of an inmate's property shall make the extent of such involvement a matter of record (DOM 54030.3).

The Department assumes no liability for loss, theft, or damage to items of personal property after issue, unless the loss is the result of employee negligence (refer to CCR 3193).

Item's Taken in Search. 10-25-06

Amount		
2-10g	Taster's Choice Coffee.	7.70
2-11g	Coffee mate Creamers.	1.45
1-4g	Sweet Thing Sugar.	2.30
1-5g	Carnation Hot Cocoa.	3.50
1-16g	oat meal, maple & Brown Sugar.	1.60
2-8g	Sour Cream chips.	1.15
2-17g	Nacho Tortilla chips	1.90
2-11.5g	mayonnaise Squeeze	2.30
1-12g	yellow chilies	2.00
3-8g	Cayun Hot Sauce	.70
4-7g	white Rice	.95
12-4g	chili Soup's Reman	2.00
4-5g	Hot & Spicy beef Sausage	1.80
10-3g	Bumble bee Tuna	1.10
2-14g	Checker's Chocolate chip Cookies.	1.25
10-2g	Snickers Candy bar's	.65
5-3.5g	Towler Soap's	4.50
2-4.2g	Calgate whitening Tooth paste Gel.	3.95
2-3g	menmen Sport Gel Speed stick.	3.00

Total. 101.75

INMATE/PAROLEE**APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____


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NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Stewart, Carl	H-51052	PIA	4N- 88 Up

A. Describe Problem: On 10/26/06, during a total unit search in North Block, appellant's cell was searched and ransacked. I had just recently received a package and recently went to canteen. The box that my package and canteen was stored in was confiscated. I lost one-hundred forty-four dollars (\$144.00) worth of personal property. (See Attached Package Inventory List and Canteen Inmate Sales Receipt - of confiscated, lost, and/or destroyed property.) A confiscated property receipt was not left. Under the "color of authority" the prison staff who conducted the cell search deprived me of my due process and civil rights. (42 U.S.C. § 1983.) The manner in which the unit search occurred violated Cal.

If you need more space, attach one additional sheet.

B. Action Requested: Pursuant to CCR-15 § 3193, the California Tort Claims Act, and 28 U.S.C. § 1391(b), that Appellant be fully compensated (\$144.00) for the loss and destruction of said property.

Inmate/Parolee Signature: 

Date Submitted: 11-2-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



IN RE: October 26, 2006 Total Unit Search

Stewart, Carl, H-51052, 4N-88 UP

Codes of Regs. tit. 15 §§ 3190(a), 3191, 3193, 3287(a)(2)-(4), Department Operation Manual (DOM) §§ 54030.3, 54030.13, 54030.15, Case law (e.g., Wolff v. McDonnell, 418 U.S. 539, 558 (1974)), and federal due process under the 14th Amendment. The search was supervised by Correctional Captain R. Fox, and conducted by officers other than the assigned North Block staff. The search was not conducted in compliance with San Quentin's Institutional Procedures and departmental policies.

For example, in reference to cell searches, CCR-15 § 3287(a)(2) mandates, in pertinent part:

Such inspections will not be used as a punitive measure nor to harass an inmate. Every reasonable precaution will be taken to avoid damage to personal property and to leave the inmate's quarters and property in good order upon completion of the inspection.

CCR-15 § 3287(a)(4) also mandates that:

The inmate will be given a written notice for any item(s) of personal and authorized state-issued property removed from his or her quarters during an inspection and the disposition made of such property.

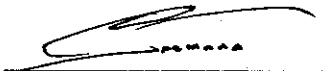
The 14th Amendment of the United States Constitution further states that:

[N]or shall any State deprive any person of life, liberty, or property, without due process of law.

(See Wolff v. McDonnell, 418 U.S. 539, 558 (1974).)

Staff involved in the total unit search totally ignored appellant's right to due process and equal protection under the law.

An action done under the color of law/authority is one done with the apparent authority of law but actually in contravention of law. A federal cause of action may be maintained against a state officer who under "color of law" deprives a person of his civil rights. (42 U.S.C. §1983.)



Signature

11-2-04

Date submitted

id	name	age	sex	height	weight	blood pressure	heart rate	respiratory rate	oxygen saturation	temperature	humidity	air quality	noise level	light level	air pressure	air quality index	noise level index	light level index	air pressure index
1	John	35	M	175	75	120/80	70	12	98	37.5	60	100	50	100	1013	100	50	100	1013
2	Jane	28	F	160	60	110/70	65	10	97	37.0	50	100	40	100	1012	100	40	100	1012
3	Mike	42	M	180	85	130/90	75	14	96	37.8	70	100	60	100	1014	100	60	100	1014
4	Sarah	30	F	165	65	115/75	68	11	98	37.2	60	100	50	100	1013	100	50	100	1013
5	David	38	M	170	70	125/85	72	13	97	37.6	60	100	50	100	1013	100	50	100	1013

[illegible]

Year	Age	Sex	Height	Weight	Body mass index	Waist circumference	Waist-hip ratio	Visceral fat	Subcutaneous fat	Visceral fat:subcutaneous fat
1990	20	M	1.70	70.0	23.5	85.0	0.85	10.0	10.0	1.0
1990	20	F	1.60	55.0	21.5	75.0	0.80	8.0	8.0	1.0
1990	20	M	1.75	80.0	25.5	90.0	0.88	12.0	12.0	1.0
1990	20	F	1.65	60.0	22.5	80.0	0.78	7.0	7.0	1.0
1990	20	M	1.70	75.0	25.9	88.0	0.86	11.0	11.0	1.0
1990	20	F	1.60	58.0	23.1	78.0	0.79	9.0	9.0	1.0
1990	20	M	1.75	85.0	27.4	95.0	0.90	13.0	13.0	1.0
1990	20	F	1.65	65.0	24.2	85.0	0.82	10.0	10.0	1.0
1990	20	M	1.70	72.0	24.7	86.0	0.85	10.5	10.5	1.0
1990	20	F	1.60	56.0	22.5	76.0	0.79	8.5	8.5	1.0
1990	20	M	1.75	82.0	26.8	92.0	0.89	12.5	12.5	1.0
1990	20	F	1.65	62.0	23.0	82.0	0.81	9.5	9.5	1.0
1990	20	M	1.70	78.0	27.1	90.0	0.87	11.5	11.5	1.0
1990	20	F	1.60	60.0	23.7	80.0	0.80	9.0	9.0	1.0
1990	20	M	1.75	88.0	29.7	98.0	0.91	14.0	14.0	1.0
1990	20	F	1.65	68.0	25.5	88.0	0.83	11.0	11.0	1.0
1990	20	M	1.70	74.0	25.9	87.0	0.86	11.0	11.0	1.0
1990	20	F	1.60	59.0	23.4	79.0	0.79	8.5	8.5	1.0
1990	20	M	1.75	84.0	27.9	94.0	0.90	13.5	13.5	1.0
1990	20	F	1.65	64.0	23.9	84.0	0.82	10.5	10.5	1.0
1990	20	M	1.70	76.0	26.5	89.0	0.87	11.5	11.5	1.0
1990	20	F	1.60	57.0	22.8	77.0	0.79	8.0	8.0	1.0
1990	20	M	1.75	86.0	28.5	96.0	0.91	14.0	14.0	1.0
1990	20	F	1.65	66.0	24.8	86.0	0.83	11.0	11.0	1.0
1990	20	M	1.70	73.0	25.3	86.0	0.85	10.5	10.5	1.0
1990	20	F	1.60	58.0	23.1	78.0	0.79	8.5	8.5	1.0
1990	20	M	1.75	87.0	29.1	97.0	0.91	14.5	14.5	1.0
1990	20	F	1.65	67.0	25.5	87.0	0.83	11.5	11.5	1.0
1990	20	M	1.70	77.0	26.5	90.0	0.87	12.0	12.0	1.0
1990	20	F	1.60	61.0	24.4	81.0	0.80	9.5	9.5	1.0
1990	20	M	1.75	89.0	30.2	99.0	0.92	15.0	15.0	1.0
1990	20	F	1.65	69.0	26.1	89.0	0.84	12.0	12.0	1.0
1990	20	M	1.70	79.0	27.1	91.0	0.88	12.5	12.5	1.0
1990	20	F	1.60	62.0	24.4	82.0	0.81	10.0	10.0	1.0
1990	20	M	1.75	91.0	31.4	101.0	0.93	16.0	16.0	1.0
1990	20	F	1.65	71.0	26.7	91.0	0.85	12.5	12.5	1.0
1990	20	M	1.70							

[illegible]

Case No.	Date	Name	Age	Sex	Occupation	Address	Remarks
1	Jan 10	J. J. Smith	25	M	Carpenter	123 Main St.	
2	Feb 15	M. M. Jones	30	F	Housewife	456 Oak St.	
3	Mar 20	P. P. Brown	40	M	Teacher	789 Pine St.	
4	Apr 25	L. L. White	20	F	Student	101 Elm St.	
5	May 30	R. R. Green	35	M	Farmer	202 Maple St.	
6	Jun 10	S. S. Black	28	F	Nurse	303 Cedar St.	
7	Jul 15	T. T. Gray	45	M	Doctor	404 Birch St.	
8	Aug 20	V. V. Hall	32	F	Librarian	505 Walnut St.	
9	Sep 25	W. W. King	50	M	Retired	606 Chestnut St.	
10	Oct 30	X. X. Lee	22	F	Artist	707 Spruce St.	
11	Nov 10	Y. Y. Scott	38	M	Engineer	808 Ash St.	
12	Dec 15	Z. Z. Adams	27	F	Writer	909 Hickory St.	

1990

Year	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
Year	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100

Year	1978	1979	1980	1981	1982
1978	100	100	100	100	100
1979	100	100	100	100	100
1980	100	100	100	100	100
1981	100	100	100	100	100
1982	100	100	100	100	100

DATE	TIME	NAME	ADDRESS	PHONE	TELETYPE	WIRE	MAIL	TELEFAX
1	10:00	John Doe	123 Main St	555-1234				
2	10:15	Jane Smith	456 Oak Ave	555-5678				
3	10:30	Bob Johnson	789 Pine Rd	555-9012				

[illegible]

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

[illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

[illegible]

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

TOTAL 11 000 000

CRESARC2

California Department of Corrections (SD

Inmate Sales Receipt

Commissary: CARI

Inmate Acct #: 456996

Com Acct #: 482647

Inmate ID: K51052

Inmate Name: STEWART, CARL

Inm Acct Type: INMATE

10-20-2006 12:31

Beg Acct Balance: 36.00

Description	Qty	Price	Amount
CHIP, SO&O, 100	2	1.65	3.30
CREAMER, COFFEE	2	1.25	2.50
CHEESE PUFFS, 8	2	1.45	2.90
NACHO CHZ TORT.	2	2.00	4.00
ULTRA-BRITE (W)	2	1.60	3.20
WHIPPER COCOA	1	3.05	3.05
PHOTO DUCATS	5	2.00	10.00

Total: 25.95

End Acct Balance: 1.05

Signature

Date

CIVIL COVER SHEET

JS 44 (Rev. 12/07) (and rev 1-16-08)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS

DEBRA SPRINGER-BOWMAN

DEFENDANTS BRIDGE BANK OF SILICON VALLEY, N.A.;
BRIDGE BANK, N.A.; BRIDGE CAPITAL HOLDINGS,(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

Santa Clara County

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known) Uncertain

(c) Attorney's (Firm Name, Address, and Telephone Number)

Louis A. Highman, Bruce J. Highman
Highman, Highman & Ball
870 Market Street, Suite 467
San Francisco, CA 94102

(415) 982-5563

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | N.A. | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus—Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities—Employment <input type="checkbox"/> 446 Amer. w/Disabilities—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII, ADA, Equal Pay Act

Brief description of cause: Sex discrimination, harassment, and retaliation; disability discrimination; Equal Pay Act violations; and pendent state law claims.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ gen., special, JURY DEMAND: ☒ Yes ☐ No
 UNDER F.R.C.P. 23 pun. dam., liquidated dam. & atty fees according to proof.

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE". N.A.

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☐ SAN FRANCISCO/OAKLAND
☒ SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD

INMATE/PAROLEE

APPEAL FORM

CDC 602 (12/87)

1. _____ 1. _____

2. _____ 2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
WEISS	D-92039	Vocational Plumbing	4-N-64L

A. Describe Problem: The Appellant, Greg Weiss, contends that on 10/26/06, the appellant's cell was searched during a total unit search of North Block. The personal property (list is attached) was confiscated and ultimately lost or destroyed by staff. The search was conducted without compliance with San Quentin's Institutional Procedure(s) and departmental policies.

If you need more space, attach one additional sheet.

(Please see attached sheet)

B. Action Requested: Appellant Requests that he be fully compensated financially for the loss and damage of said property items. Total of \$368.42

Inmate/Parolee Signature: Greg Weiss

Date Submitted: 11-06-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



In reference to the cell search;
CCR 3287(a)(2), and CCR 3287(a)(4)
both apply... My personal property was
broken and/or missing without a "cell search
& slip" indicating what was confiscated,
and who was the officer that
searched my cell.

Dreg Weiss
Greg Weiss
D-92039
4-N-64L

"Verification"

11-06-06

I swear on my Unlimited Commercial
Liability and subject to perjury ~~pro~~
prosecution that the above ~~et~~ statement
is true and correct to the best of
my knowledge.

Dreg Weiss
Greg Weiss
Severed Party / Creditor

List of Items Lost/Damaged
During cell search of
Greg Weiss D: 92039 4; N-646

- | | |
|--|----------|
| 1. 8" LCD T.V. | \$193.56 |
| 2. Silver Cross w/ chain | \$22.99 |
| 3. Levi blue jeans 36x32 | \$55.00 |
| 4. Sof Sole Contour Cushion | \$6.97 |
| 5. (4) Four "Hanes" Boxer Briefs | \$12.98 |
| 6. Acrylic Watch Cap | \$2.97 |
| 7. Thermal Long John's pants | \$4.47 |
| 8. (2) Two Thermal Longsleeve shirts | \$13.94 |
| 9. "Softe" 11oz. Sweatshirt | \$16.97 |
| 10. lightbulb (30 watts) | \$1.89 |
| 11. Double Six Dominoes | \$6.97 |
| 12. (3) Three "Russell" long sleeve T-shirts | \$29.91 |
| Total | \$368.42 |

walkenhorst's

1774 Industrial Way, Napa, CA 94558
Phone Toll Free: 877-660-9255 • Fax 707-255-1974
www.walkenhorsts.com

MAG NO.	#	DATE	CUST. NO.	ORDER NO.
561569	1	9/8/2006	SQSP	30331937

WORK ORDER / INVOICE

561 569



S 0000561569
O SAN QUENTIN STATE PRISON
L MAIN STREET
D SAN QUENTIN, CA 94964

**T
O**

S GREG WEISS D-92039 4N64L
H C/O SAN QUENTIN STATE PRISON
I SQSP
P PO BOX
13 MAIN ST
T SAN QUENTIN, CA 94964
O

ORDER DATE	REFERENCE	SHIP VIA	F.O.B.	PICKED	PACKED				
9/7/2006	D-92039	UPS	SHIPPING POINT						
BUYER	DATE REQUESTED	LOCATION	SALESPERSON	TERMS	TERRITORY				
WEISS	9/7/2006	MAIN	JA	PREPAID	BASIC CALIFORNI				
ITEM NO BIN NO	DESCRIPTION			QUANTITY ORDERED	QUANTITY BACK ORD	QUANTITY SHIPPED	UNIT PRICE	EXTENSION	
78265101	CTV-830 Real Digital 8" LCD TV			1		1	159.97	159.97	T
00001500	CALIFORNIA TELEVISION RECYCLE FEE			1		1	6.00	6.00	
00008000	*****SPEAKER DISCONNECT*****			1		1	10.00	10.00	

Original 2

walkenhorst's

1774 Industrial Way, Napa, CA 94558
Phone Toll Free: 877-660-9255 · Fax 707-255-1974
www.walkenhorsts.com

MAG. NO.	PAGE #	DATE	CUST. NO.	ORDER NO.
395848	1	4/20/2005	CCC	30215613

WORK ORDER / INVOICE

Quarterly Package

S 0000395848
O CA CORRECTIONAL CENTER
L PO BOX 790
D SUSANVILLE, CA 96130

S
H CA CORRECTIONAL CENTER
I 711-045 CENTER ROAD
P SUSANVILLE, CA 96130



T
O

T
O


ORDER DATE	PURCHASE ORDER NO.	SHIP VIA	F.O.B.	TERMS			
4/19/2005		UPS	SHIPPING POINT	PREPAID			
BUYER	DATE REQUESTED	LOCATION	SALESPERSON	TERRITORY			
	4/19/2005	MAIN	DS	BASIC CALIFORNI			
ITEM NO. BIN NO.	DESCRIPTION	QUANTITY ORDERED	QUANTITY BACK ORD.	QUANTITY SHIPPED	UNIT PRICE	EXTENSION	
00005000	*****QUARTERLY PACKAGE*****	1		1	0.00	0.00	T
00005003	*****MAXIMUM BOX SIZE R893 12x14x24*****	1		1	0.00	0.00	T
17021010	Pers. Property Cat. - C.C.C. Gen. Pop.	1		1	0.00	0.00	T
13000011	453001 SS Four Way Medal	1		1	22.99	22.99	T
09006012	19407 Sof Sole Contour Cushion M11-12	1		1	6.97	6.97	T
21011001	Book of 20 37 Cent Stamps	2		2	8.00	16.00	T
08900004	391-00 Clear Metro Toothbrush Case	1		1	1.49	1.49	T
08900001	292-00 Clear Soap Saver Rect. Dish	1		1	1.97	1.97	T
03112001	30434 Arm & Hammer Ultra Max Clear	2		2	3.99	7.98	T
03112087	25218 Jergens Ultra Healing 10 oz	1		1	4.99	4.99	T
03112355	63289 Gillette Sensor 3 4/pack	1		1	8.99	8.99	T
03112295	44598 Pantene Pro-V Sm/Slk Shamp 13.5	1		1	6.49	6.49	T
03111080	97193 Almond Joy Snk Sz 14oz	1		1	4.49	4.49	
03111042	96471 M&M Plain Candy 14oz	1		1	3.99	3.99	
03111097	96735 Milky Way Fun Sz 14oz	1		1	4.49	4.49	
03111223	47853 Frosted Mini Spoon 28.5 o	1		1	4.99	4.99	
03111234	47307 Quaker Inst Oatml Variety	2		2	4.49	8.98	
03111584	58653 Jiff Crnchy Pnut Btr 28oz	1		1	4.99	4.99	
03111434	99448 Lifesavers Tropical Fruit	5		5	0.70	3.50	
03111255	98216 Chex Mix - Hot & Spicy	2		2	2.89	5.78	
03111306	48701 Sunshine W/Ched.Crackers 10oz	2		2	3.79	7.53	
03111869	29695 StarKist Albacor Tuna 7.06	5		5	3.79	18.95	
03111362	64694 Folgers Inst. Coffee 12oz	2		2	6.99	13.98	
03111573	25735 HVR Single Serv Ranch 2.5 oz	1		1	6.00	6.00	
03019012	CVF Roasted Salted Cashews 5oz	2		2	2.99	5.98	
03021008	9279 5oz.Spicy Beef Sum.Sausag	10		10	1.69	16.90	
20900042	10601 AA Alpine Minestrone Soup	2		2	3.99	7.98	
SUBTOTAL:							

walkenhorst's

1774 Industrial Way Phone: 707.255.4412
Napa, CA 94558 Toll Free: 800.660.9255
www.walkenhorsts.com

S 0000326198
O CA CORRECTIONAL CENTER
L PO BOX 790
D SUSANVILLE, CA 96130

T
O

ORDER DATE 10/11/2004		PURCHASE ORDER NO. D-92039		SHIP VIA UPS		TERMS PREPAID			
BUYER WEISS		DATE REQUESTED 10/11/2004		LOCATION MAIN		SALESPERSON RP			
						TERRITORY BASIC CALIFORNI			
ITEM NO. BIN NO.	DESCRIPTION			QUANTITY ORDERED	QUANTITY BACK ORD.	QUANTITY SHIPPED	UNIT PRICE	EXTENSION	
16046013	982xx	Evermax Alk. "C" 2 pk		2		2	2.49	4.98	T
26000002	10009	Itty Bitty Batt. Op. Lite		1		1	12.97	12.97	T
26000003	10413	Itty Bitty 2 Bulb Pack		1		1	4.79	4.79	T
19014042	2349 L	Hanes Boxer Briefs Large		1		1	6.49	6.49	T
12999041	8020-002 XL	Soffe 11oz Sweatshirt Oxf		1		1	16.97	16.97	T
04021001	161-Black	Acrylic Watch Cap-Black		1		1	2.97	2.97	T
09995010	160B NAT XL	Morgan Long John Pants		1		1	4.47	4.47	T
									
SUBTOTAL		STATE			Freight				
53.64		3.89			4.00			61.53	
COUNT ON WALKENHORST'S FOR PROMPT FRIENDLY SERVICE!!							ORDER NO. 30166093		TOTAL ORDER VALUE

Original 2

1-800-515-6109
ACCESS CATALOG
13330 LAKEFRONT DRIVE
EARTH CITY, MO 630451513

WAREHOUSE: ..
CARRIER: UPS 8728096 001
SLS: JP W DI
ORDER #: 22632

GREG WEISS IN#: 092039 USE INMTE# AS BOX#
SAN QUENTIN MAINLINE** *MAG.72100130 DISC ALL SPKRS
GENERAL DELIVERY BOX# SN 72 L
SAN QUENTIN CA 94964

QTY	UOM	ITEM NO	G	DESCRIPTION	ITM PRC	TTL PRC
1	EA	✓ 50463010	N	ULTRA SEAL CLEAR 2.5CUP	2.09	2.09
1	EA	✓ 50795010	N	MONO TO STEREO ADAPTER - MINI 251-165/P	1.99	1.99
1	EA	✓ 51288070	G	MESH SHORT - 9" INSEAM W/ DRAW 3XL GREY	12.79	12.79
1	EA	✓ 51529010	N	CLEAR SURGE PROTECTOR 2 FOOT CO	10.09	10.09
1	EA	✓ 51589010	N	CLEAR ADAPTER SSUA96-7	7.09	7.09
1	EA	✓ 51714010	N	R20 LIGHT BULB - 30 WATT CLEAR CLI	1.89	1.89
1	EA	✓ 51717010	N	CLEAR CLIP ON LAMP - #37-012103-069	10.09	10.09

AMT RECEIVED 50.03
SALES TAX SHIPPING/HANDLING 4.00 TOTAL: 50.03

TOTAL WT: 3.77

ALL SPEAKERS MUST BE DISCONNECTED & REMOTES

RB

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE

APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Eugenio Peña	H-77082	Culinary	3-N-14 ^{EL}

A. Describe Problem: On Thursday October 16, 2006, during an unexpected and devastating cell search as a result of some allegedly stolen pills from one of the medical staff. All North Block Inmates were forced to go to the lower yard from approximately 10:00 a.m. to 10:00 p.m. The majority of the inmates were later forced to go to the north dining hall until 1:45 a.m. the following day. During this unexpected cell search, my assigned cell was totally, intentionally ransacked, with malice. My RCA color T.V. and all my family pictures were thrown all over the floor, disregarding Cal. Code of Regs. Title 15 §3287 (2)

If you need more space, attach one additional sheet.

(see attached supplemental page) →

B. Action Requested: I request that my RCA Color T.V. be replaced or repaired. That my electric stinger, my 140 39¢ stamps, and my earrings be returned. That I not be subjected to any further retaliatory actions by San Quentin staff. Furthermore, I request that this appeal be logged as a Citizen's Complaint pursuant §§832.8, of Cal. Penal Code, and hold those who ordered this search in violation of 3004303084.1, 3287, 3391, and P.C. 147, and 211.

Inmate/Parolee Signature: _____

Date Submitted: _____

11/1/06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

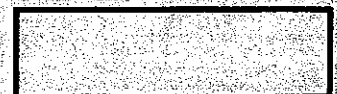
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____



Eugenio Peña

602 con't p. 2

(4) states "The inmate will be given a written notice from any items of personal and authorized state-issued property removed from his quarters, and the disposition made of such property. The notice will also list any contraband found in the cell, as the follow-up action intended by the inspecting officer."

It is clear that this search was a retaliatory response to the theft of the pills stolen earlier in the morning of October 26 2006, as evidenced by the fact that the inmate responsible for the alleged theft had already been apprehended. This unwarranted search is in violation of the CCR Title 15 and totally unprofessional and disrespectful.

The first thing that I noticed as I initially entered my cell following the search, was that my television was left face down on my bunk, and it was broken. I immediately called C/O Silva's attention, who was securing the cells. He suggested that I write a 602 appeal, and if I have any problems I could contact him as a witness.

The following items of legitimate personal property were taken from my quarters; (1). Electric Stinger; (2). Several pairs of earrings made of hobby beads; (3). 2 Porcelan beading trays. (4). Many pictures from my family. (5) 7 books of 39¢ stamps, the total of 140 stamps.

Inmate's Property Card

Number: H77082

Name: PEÑA

Signature	Article
<i>Eugenio Peña</i>	4 BOXES MISC TOILET ITEMS FOOD STUFF GLASSES R
<i>Eugenio Peña</i>	MISC LEGAL CENTER, CUP BOWL BILFOOD CASCHING TAPE
<i>Eugenio Peña</i>	SWEAT SHIRT/PANTS, THERMAL T/PS UNDERWEAR
<i>Eugenio Peña</i>	CASE PLAYTECH SOUND SIGN # 6945
<i>Eugenio Peña</i>	TEENIS SHOES PHOTO ALBUM
<i>Eugenio Peña</i>	8th QTR PKG MISC FOODS
<i>Eugenio Peña</i>	3rd QTR PKG MISC FOOD, WHITE GALL CAP,
<i>Eugenio Peña</i>	6 PR T-SHIRT
<i>Eugenio Peña</i>	4th QTR MISC FOODS
<i>Eugenio Peña</i>	1st QTR PKG MISC FOODS
<i>Eugenio Peña</i>	1st QTR MISC FOOD
<i>Eugenio Peña</i>	2nd QTR MISC FOOD
<i>Eugenio Peña</i>	3rd QTR MISC FOOD
<i>Eugenio Peña</i>	4th QTR MISC FOOD
<i>Eugenio Peña</i>	1st QTR MISC FOOD
<i>Eugenio Peña</i>	2nd QTR PKG MISC FOOD
<i>Eugenio Peña</i>	1 RCA 13" COLOR TV SET # 0034 TS927
<i>Eugenio Peña</i>	3rd QTR PKG MISC FOOD
<i>Eugenio Peña</i>	4th QTR MISC FOOD
<i>Eugenio Peña</i>	1st QTR MISC FOOD
<i>Eugenio Peña</i>	2nd QTR MISC FOOD

I acknowledge receipt of the above mentioned articles and understand I must have them in my possession leaving this institution, unless properly removed herefrom by the Receiving and Release Sergeant.

Inmate's Property Card

Number: H77082

Name: PEÑA

Signature	Article
<i>Eugenio Peña</i>	2nd QTR MISC FOOD, ARMITRON WATER
<i>Eugenio Peña</i>	3rd QTR PKG MISC FOOD, 1 Y/M CHAIN W/
<i>Eugenio Peña</i>	RELIGIOUS MEDALLION
<i>Eugenio Peña</i>	CORONA-SMITH TYPEWRITER
<i>Eugenio Peña</i>	SPOLSVOS
<i>Eugenio Peña</i>	3rd QTR MISC FOOD, 13 DAY B-CAP, 1
<i>Eugenio Peña</i>	4 PR T-SHIRT
<i>Eugenio Peña</i>	4 QTR Food Sewing Needles & Thread Donats
<i>Eugenio Peña</i>	2 CASSETTES, 1 CD
<i>Eugenio Peña</i>	1st QTR MISC FOOD
<i>Eugenio Peña</i>	2nd QTR MISC FOOD
<i>Eugenio Peña</i>	2ND QTR MISC
<i>Eugenio Peña</i>	1 ETOR Boom Box from T/m MENDOZA P36135
<i>Eugenio Peña</i>	W/HEADPHONES
<i>Eugenio Peña</i>	3rd QTR FOOD
<i>Eugenio Peña</i>	4th QTR FOOD
<i>Eugenio Peña</i>	1500 - 1 CD 1 CASSETTE
<i>Eugenio Peña</i>	1st QTR food, 1 pr brn sandals, 1 pr blue jeans
<i>Eugenio Peña</i>	2nd QTR MISC FOOD
<i>Eugenio Peña</i>	1 RECOTON SPLITTER
<i>Eugenio Peña</i>	1st QTR food
<i>Eugenio Peña</i>	2nd QTR FOOD, COSMETICS

I acknowledge receipt of the above mentioned articles and understand I must have them in my possession leaving this institution, unless properly removed herefrom by the Receiving and Release Sergeant.

PAGE ONE

INMATE/PAROLEE
APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1.

1.

2.

2.

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Ron Quenneville	V-96026	MEDICALLY UNASSIGNED (A1A)	11/N/22 L

A. Describe Problem: IN BRIEF ON 10-25-06 THERE WAS A SEARCH CONDUCTED ALL THE CELLS IN NORTH BLOCK WERE RIPPED APART. IN DOING SO SOME OF MY PROPERTY WAS REMOVED AND IS NOW MISSING. ALSO THERE WAS A UNCLOTHED BODY SEARCH DONE IN PLAIN VIEW OF VISITORS AND MANY FEMALE STAFF WATCHING. VIOLATING CDC RULES ARTICLE 2-3287 (B)(1) UNCLOTHED BODY INSPECTION. AFTER, APPROXIMATELY 20 HOURS LATER THE SEARCH WAS COMPLETED TILL 150 AM AND 12 HOURS OUTDOORS IN BRIGHT SUNSHINE. WITHOUT HAVING ADEQUATE PLACES FOR US TO SIT FOR A MAJORITY OF THE TIME WHICH IS A FORM OF DISRESPECT

If you need more space, attach one additional sheet.

SEE ADDITIONAL PAGE ATTACHED

B. Action Requested: DISCIPLINE ALL STAFF RESPONSIBLE. REIMBURSEMENT OF COST OF UNLAWFUL CONFISCATION OF MY PROPERTY. I'M A HIGH RISK INMATE WITH CONGENITAL HEART FAILURE. I CAN'T EARN MONEY TO REPLACE ARTICLES TAKEN NOR CAN MY FAMILY AFFORD TO REPLACE MY MISSING PROPERTY.

Inmate/Parolee Signature: Ron QuennevilleDate Submitted: NOV 1 2006

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____



PAGE TWO.

A. DESCRIBE PROBLEM

IN VIOLATION OF CDC RULES ARTICLE 1, 3004 (A)(b) RIGHTS AND RESPECT OF OTHERS. WHEN ENTERING THE CELL AFTER THE SEARCH WAS DONE, THE CELL WAS COMPLETELY DEVASTATED AND DESTROYED. THINGS WERE BROKEN AND MISSING.

ALL MY HEART MEDICATION WAS TAKEN. IT'S BEEN SIX DAYS NOW I HAVEN'T TAKEN ANY OF MY MEDICATIONS WHICH I NEED TO SURVIVE!

BY STAFF NOT LEAVING THE CELL IN GOOD ORDER UPON COMPLETION OF THIS SEARCH IS A VIOLATION OF C.D.C. RULES ARTICLE 2, 3287 (A)(2) LEAVING QUARTERS IN GOOD CONDITION UPON COMPLETION OF ANY KIND OF SEARCH.

IN CLEANING THE MESS UP, THERE WAS NO WRITTEN NOTICE FOR THE ITEMS THAT WERE TAKEN BY STAFF. WHICH THIS IS A VIOLATION OF C.D.C. RULES ARTICLE 2, 3287 (A)(4) CELL PROPERTY & BODY INSPECTION. AFTER CLEANING, I HAVE NOTICE I'M MISSING (SEE ATTACHED LIST) IN THE SEARCH WHICH

VIOLATES CDC RULES ARTICLE 2, 3287 (A)(2) DAMAGED PROPERTY AND MISSING PROPERTY.

BY STAFF NOT LEAVING WRITTEN NOTICE BEHIND FOR PROOF STAFF COULD TRY TO USE THIS AS AN ADVANTAGE OVER ANY APPEAL PROCESS WHICH I HOPE ISN'T THE CASE TO RUBBER STAMP MY APPEAL.

I HAVE DONE NOTHING WRONG TO UNDER GO ANY MISTREATMENT. — B. ACTION REQUESTED —

ALL I'M ASKING FOR IS REIMBURSEMENT OF MY PROPERTY. ALSO I NEED IN WRITING SOMETHING TO SHOW THE C.O. IN THE PROPERTY ROOM THAT ALLOWS ME TO GET A REPLACEMENT ADAPTER FOR MY C.D. PLAYER, THIS ITEM IS ON MY PROPERTY CARD. I CAN'T ORDER A REPLACEMENT UNTILL THIS MATTER CLEARED UP.

(/ % B Dutton)

PROPERTY ROOM

PAGE FOUR

At the time of the Body Search I ASKED the C.O. that I WANTED to BE PRESENT at the time of the Cell INSPECTION. he REFUSED to SAY ANYTHING, LIKE OTHERS if I HAD PROTESTED he would have BUT ME in the Hole.

PLEASE WITH OUT DELAY CAN YOU PROVIDE

- ① REIMBURSEMENT of \$ 32.29
- ② A LETTER OR NOTE to the PROPERTY Room
ATTN: C.O. B DUTTON
- ③ AND its Important YOU PROVIDE ME SOME WAY to REPLACE my C.D. PLAYER (A.C. ADAPTER)
- ④ At the time I BOUGHT my IMMERSION HEATER, SOON AFTER they WERE TAKEN OFF the ACCESS CATALOG. With a NOTE to CANTEN I WOULD BEABLE to REPLACE mine AND GET ONE they HAVE for the CONDEMN ROW INMATES in STOCK.

THANK YOU this hole matter is A VERY BIG HASSLE to me. MY HUMAN RIGHTS OVER MY MEDICATION HAVE BEEN VIOLATED. THERE SEEMS to BE NO RESPECT FOR the INMATES PRIVILEGE'S. PLEASE COOPERATE with my REQUEST.

SINCERELY

MR ROM QUENDEVILLE

V-96026 1/1/22 L

1-800-546-6283
ACCESS CATALOG
13330 LAKEFRONT DRIVE
EARTH CITY, MO 630451513

WAREHOUSE: M

CARRIER: UPS

SL5: JP M 01

ORDER # 47276

11/15/05

8728096 001

POD ORENNEVILLE INR V950 8
SAN QUENTIN MAINLINE**
GENERAL DELIVERY 2/11/95
SAN QUENTIN CA 94964

USE INHTEN AS BOX#

RMAG.73900020 DISC ALL SPRBS

ITEM	ITEM NO	DESCRIPTION	UNIT PRICE	TOT PRICE
1 EA	50284010	N ACCESS CLEAR CD33UP CD PLAYER	42.99	42.99
1 EA	51084010	N 855 BTX PRO1 & HEADPHONES	14.99	14.99
1 EA	51111010	N KTV 13" CLEAR TELEVISION	112.00	112.00
1 EA	51528010	N CLEAR AC ADAPTER 958300-11/24/04 1.7 MH MIC	6.99	6.99
1 EA	51590010	N CLEAR ADAPTER MOVE TO H5 *** CANCELLED	6.99	
1 EA	87052010	N KING JAMES VERSION PAPER	3.79	3.79

AMT RECEIVED 184.75
SALES TAX
SHIPPING/HANDLING 4.00 TOTAL 184.75

101 PKGPGH

164924

REVISED 979BJ 002

PAGE 1

2/13/06

1-800-546-6263

ACCESS SECUREPAK

KEEFE COMMISSARY NETWORK, L.L.C.

55-101 VISTA BLVD

WAREHOUSE: W

CARRIER: UPS

8732425 001

SLB JP W SP

ORDER #: 98920

98920

ROM QUENNEVILLE V96026

SAN QUENTIN MAINLINE PG A/B-OP

GENERAL DELIVERY

SAN QUENTIN, CA 94964

15

QTY	UOM	ITEM NO	C DESCRIPTION	ITM PRG	TTL PRG
10	EA	8010	(EACH) RAMEN - CHILI FLAVOR	20	2.00
10	EA	8012	(EACH) RAMEN - TEXAS BEEF FLAVOR	20	2.00
3	EA	8090	(EACH) LOUISIANA HOT SAUCE 4 OUNCE	70	1.40
3	EA	8102	(EACH) FOLGERS INS CAF JAR 8 OZ	5.20	15.60
1	EA	8120	(EACH) GRAPE JELLY 12 OUNCE SQUEEZE BOTTL	2.10	2.10
1	EA	8122	(EACH) C A PICANTE SAUCE 10 OZ SQUEEZE B	1.90	1.90
1	EA	8172	(EACH) KEEFE ONION DIF 3.5 OUNCE	90	.90
5	EA	8207	(EACH) KSLF CLUB CKRS 5.25 OZ	90	4.50
1	EA	8216	(EACH) KEEFER SOFT PATCH CHOC CHIP 12 O	2.60	2.60
3	EA	8200	(EACH) JIF CREAMY PEANUT BUTTER 12 OUNCE	2.50	7.50
3	EA	8552	(EACH) SNICKERS BAR	60	1.80
4	EA	85708	(EACH) OREO COOKIES 1 B OZ	40	1.60
2	EA	81242	(EACH) RED BEANS & RICE 3.5 OZ	1.00	2.00
3	EA	81348	(EACH) TA INSTANT CHILI 2.0 OZ	50	1.50
3	EA	81349	(EACH) TA INSTANT CHILI BEANS 3.5 OZ	1.00	3.00
3	EA	81328	(EACH) RAMEN / RACT BEEF	20	1.80
3	EA	81723	(EACH) BC MEXICAN STYLE GROUND BEEF 4 OZ	3.00	9.00
3	EA	81784	(EACH) B C LIGHTLY SEASONED GROUND BEEF 4	2.00	6.00
3	EA	81854	(EACH) KIT KAT	1.60	4.80
2	EA	82444	(EACH) ORIGINAL BEEF JERKY 1 OZ	1.30	2.60
2	EA	82442	(EACH) PEPPERED BEEF JERKY	1.30	2.60
3	EA	82975	(EACH) MAXWELL HOUSE BLEND JAR (8 OZ)	4.20	12.60
1	EA	83092	(EACH) THAT PALACE NOODLES CHILI 3.7 OZ	THANK YOU NO CHG	
2	EA	84386	(EACH) E C SARDINES IN HOT TOMATO SAUCE 3	90	1.80
2	EA	84391	(EACH) E C SALMON FLAKES IN OIL 3.53 OZ	1.00	2.00
1	EA	84395	(EACH) E C FISH STICKS OIL W/ GREEN CHILIES	90	.90
1	EA	84397	(EACH) E C FISH STICKS IN LOUISIANA HOT SAUC	90	.90
1	EA	85652	(EACH) NAT-O-MEAL HONEY NUT TOASTED O'S-T	2.40	2.40
1	EA	86410	(EACH) BEEF JERKY PEPPERED 3.65 OZ	5.70	5.70
1	EA	88076	(EACH) COLGATE 4.4 OZ TOOTH PASTE	2.40	2.40
1	EA	88384	(EACH) TEK ANGLER MED W/ FRESH FLAKE BEAN	90	.90
1	EA	88514	(EACH) (BLETS CARD) GUMMETICK 15 OZ	1.60	1.60
4	EA	88710	(EACH) BIG CRYSTAL - BLADY 1 SINGLE POUCH	50	2.00
3	EA	721131	(PACK) PANASONIC AA ALKALINE BATTERIES	2.10	6.30

CONTINUE ON NEXT PAGE

4

101 PROFORMA

1-800-544-6283

2/13/08

ACCESS SECUREPAK

KEEFE COMMISSARY NETWORK L L B

WAREHOUSE: W

55-101 VIETA BLVD

CARRIER: UPS

8732425 001

SPARKS, NY 99434

SLS: JP W EP

ORDER # 98920

QTY	UOM	ITEM NO	DESCRIPTION	ITM PRG	TTL PRG
2 EA		881124	(EACH) AQUA SPORT GEL 1/2 P DEOD 3 OZ	2.70	5.40
1 EA		881338	(EACH) SUPER 33 MULTI VIT *** CANCELLED	5.20	
1 EA		881339	(EACH) MULTI 50 VITAMIN 500T	5.40	5.40
3 EA		881444	(EACH) IRISH SPRNG DEOD SOAP 4.5 OZ	.90	2.70
1 EA		882977	(EACH) SHAVE SHAMPOO STRAWBERRY 15OZ	1.70	1.70
5 EA		50480010	N CREW SOCK-GREY HEEL/TOE #573LF PAIR	1.00	5.00
1 EA		80980010	N IMMERSION HEATER #552	5.30	5.30
1 EA		61770040	X RUSSELL CTIN JERSEY 2-PANEL SHORT LRG OXF	8.10	8.10

SALES TAX OF \$2.99 IS INCLUDED IN TOTAL AMOUNT

NET WT 5.00

AMT RECEIVED

120.00

SHIPPING/HANDLING

TOTAL:

120.00

TOTAL WT:

27.47

12

5

CRESARC?

California Department of Corrections (SD)

Inmate Sales Receipt

Commissary:

Inmate Acct #: 05079

Com Rcpt #: 40588

Inmate ID: V96026

Inmate Name: QUENNEVILLE, RON

Inm Acct Type: INMATE

07-07-2006 12:17

Beg Acct Balance: 75.00

Description	Qty	Price	Amount
MIRROR	1	2.10	2.10
CHEESE SQUEEZE,	1	2.45	2.45
HAIR BRUSH	1	1.80	1.80
FOLGERS COFFEE,	3	6.10	18.30
IRISH SPRING	1	0.60	0.60
AFTER SHAVE, MU	1	1.10	1.10
COCA COLA, 20 o	10	1.00	10.00
MANILA ENVELOPE	9	0.20	1.80
BABY POWDER	1	1.05	1.05
ULTRA-BRITE (W)	1	1.60	1.60
PEPPERS, YELLOW	1	1.50	1.50
SUGAR SUBSTITUTE	1	1.50	1.50
FINGERNAIL CLIP	1	0.65	0.65
COTTON SWABS, 4	1	0.00	0.00
SNICKERS CANDY	4	0.60	2.40
CHOCOLATE CHIP	1	1.15	1.15
NACHO CHZ TORT.	1	2.00	2.00
SWISS ROLLS	3	1.45	4.35
★ CLOTH SOAP, A	1	2.00	2.00
★ CANTO BEEF RA	48	0.20	9.60
★ RARE CHILI	24	0.20	4.80
BLACK WALNUT, I	2	1.75	3.50

Total: 75.25

End Acct Balance: 0.55

Signature

Date

Ron Quenneville July 2006

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. SP SP
2. _____1. PERSONAL PROPERTY
2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
<u>John Hodges</u>	<u>J69876</u>	<u>PIA - Pillow/Sewing</u>	<u>4-N-07U</u>

A. Describe Problem:

ON 10-26-06 DURING A SEARCH OF NORTH
Block, OFFICER'S SEARCHED MY CELL, SOMEHOW MY (SPELLING
CORRECTOR & COMPUTER) WAS BROKEN I AM ENCLOSEING THE
TWO PAGE INVOICE AS YOU WILL SEE THE TOTAL COST IS \$23.00
THE ITEM IN QUESTION IS ON MY PROPERTY CARD FILE HERE AT
SPSP. I BELIEVE I AM INTILED TO BE COMPENSATED FOR MY
LOST. THERE WAS NO REASON FOR MY SPELLING COMPUTER
TO HAVE BEEN BROKEN I HAVE TO WONDER IF THEIR ACTION

If you need more space, attach one additional sheet.

B. Action Requested:

JUST SIMPLY TO BE COMPENSATED THE
COMPLETE COST OF MY SPELLING-COMPUTER WHICH IS
\$23.00 THANKS FOR YOUR ATTENTION

Inmate/Parolee Signature: John HodgesDate Submitted: 10-29-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number: _____

Board of Control form BC-1E, Inmate Claim



John Hodges A. 10-29-06
 # J69876 - 4-N-870

WAS INTENTIONAL OR NOT. A NUMBER OF OTHER INMATES HAVE BEEN TALKING ABOUT ITEMS OF THEIRS HAVING BEEN BROKEN OR DESTROYED WHEN IN FACT THOSE ITEMS WERE APPROVED. MY HOPE IS I WILL SIMPLY BE COMPENSATED FOR THE BROKEN COMPUTER BY SEARCHING CORRECTIONAL OFFICERS ACCORDING TO OUR LT WE WERE SUPPOSEDLY TO RECEIVE A COPY OF THE OFFICER'S DID THE ACTUAL SEARCH HOWEVER SOMEONE IS DEFINITELY ACCOUNTABLE FOR BREAKING MY PROPERTY. THANKS FOR YOUR ATTENTION - IN CLOSING MY REQUEST IS TO BE GIVEN BACK THE \$ 23.00 DOLLARS IT COST.

I PRESENTLY HAVE THE BROKEN COMPUTER IN MY CELL "NOW".

Sincerely
 John Hodges
 J69876
 4-N-870
 John Hodges
 10-29-06

MAG NO.	PAGE #	DATE	CUST. NO.	ORDER NO.
493336	1	2/16/2006	SQSP	30284160

The following table shows the results of the regression analysis for the dependent variable "Number of children in the household" (N = 1,000). The independent variables are "Age of the head of household" and "Gender of the head of household". The results are presented in the following table:

Variable	Coefficient	Standard Error	t-statistic	p-value
Age of the head of household	0.001	0.001	1.00	0.316
Gender of the head of household	0.001	0.001	1.00	0.316
Constant	1.000	0.000	1000.00	0.000
R-squared	0.000			
F-statistic	0.000			

The results show that the age of the head of household and the gender of the head of household are not significant predictors of the number of children in the household. The R-squared value is 0.000, indicating that the model explains 0% of the variance in the dependent variable. The F-statistic is 0.000, indicating that the model is not statistically significant.

TO

Original 1

MAG NO.	PAGE #	DATE	CUST. NO.	ORDER NO.
493336	1	2/16/2006	SQSP	30284160

**T
O**

Original 2

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. 301. 06-3325

5

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Alberto Mendez	H-24055	P.I.A.	1-N-79L

A. Describe Problem: On October 25, 2006, my cell was searched during a total unit search and personal property (listed here) were confiscated and damaged badly.

1. One extention cord was confiscated. Nevertheless, it is part of my property.
2. My prescription glasses were damaged seriously.

If you need more space, attach one additional sheet.

B. Action Requested: I need the extention cord back because it has been a part of my property for a long time. Furthermore, I need a new pair of prescription glasses, or \$220 dollars has to be reimbursed to my trust account.

Inmate/Parolee Signature: Mendez

NOV 8 Date RECD: 1-11-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Bypass

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Bypass

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

MEMORANDUM

Date: November 21, 2006

To: Mendez, H24055

Subject: First Level Appeal, Inmate Mendez, H24055, 1-N-79 L
Re: Appeal log # CSQ-3-06-03325

This is a response to your first level appeal, log# CSQ-3-06-03325, dated November 7, 2006. In this appeal you stated that, "On October 25, 2006, my cell was searched. During the total unit search and personal property (listed here) were confiscated and damaged badly".


1. One extension cord
2. Prescription glasses that were damaged

Appellant is requesting, "I need the extension cord back because it has been a part of my property for a long time. Further more I need a new pair of prescription glasses or 220.00 has to be reimbursed to my trust account."

On November 21, 2006, M. Iannone, Correctional Sergeant interviewed you, to afford you an opportunity to fully explain your appeal, and to provide any supporting information and or documentation your allegation (s) as herein presented.

A thorough investigation was conducted and it was discovered that during the course of this interview, you were unable to provide proof that your prescription glasses were damaged during the searches.

Based on your request as presented above, your appeal is hereby **Partially Granted** at this level of review. Due to the lack of evidence as stated above I am denying you for your prescription glasses. On November 21, 2006 Sergeant M. Iannone gave back your extension cord at the completion of your interview.


M. IANNONE
Correctional Sergeant



H24055 MENDEZ ALBERT		NUMBER	
J-330L		298 - 355063	
STATE OF CALIFORNIA			
PAY FOR GLASSES			
AMT \$220.00 MBS			
		TRUST	
		401909	298-355063
CARMEN VAZQUEZ			
P.O. BOX 232		02/03/05	\$**220.00**
DIXON, CA			
95620			
		NOT NEGOTIABLE	
		TRIPPLICATE	
#0298# 01211134230 003550635 #			

Inmate's Property Card

[illegible]

I hereby acknowledge receipt of the above mentioned articles and understand I must have them in my possession when leaving this institution, unless properly removed herefrom by the Receiving and Release Sergeant.

SQ-160-A

San Quentin State Prison Confiscated Property Receipt

Inmate Name: _____ CDC #: _____ Cell/Area: 1-N-79

Item(s)	Reason/Disposition
<u>Long Extension Cord</u>	

Confiscated by: Ronke Date: 2-7 Oct 09

Distribution: White - Unit Supervisor Yellow - Inmate Pink - Confiscator

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No

Category

1.

1.

2.

2.

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Mr. Glenn Padgett	K-45050	Butcher Shop	3N38

A. Describe Problem: On October 26, 2006, I was ordered out of cell 3N38 Upper. I was given the order to go "strip out of my clothes and then ordered to proceed to the lower

yard." During the cell search my personal property was stolen and then thrown away by the corrections officer's search team. These items are: One pair of TIMBERLAND DRCT ATTACH WORKBOOT, \$69.99. One TIMEX IRON MAN WATCH, \$39.99. And one LEVIS 550 RELAXED FIT JEANS, \$26.80. Plus six NYLON GUITAR STRINGS MEDIUM, \$9.97. Per Title 15, 3380.(a) The warden, S. Mendoza, or superintendent is responsible for the treatment of all inmates under his charge. Per Title 15, 3287.subd.(4). The inmate "will" be given a written

If you need more space, attach one additional sheet. (SEE, ATTACHED?!) SEE, EXHIBITS OF RECEIPTS ATTACHED?!

B. Action Requested: I request that the warden authorize total financial reimbursement by way of check or money order payable to Mr. Glenn F. Padgett. I request that no restitution funds be taken from my check or money order. This should be done immediately without any unnecessary post-delay appeal coordinator tactics. This is timely filed!

Inmate/Parolee Signature

Date Submitted: Tue. 10-31-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____

notice for any item(s) of personal property removed from his quarters during and inspection and the disposition made of such property. See, 3287. subd.(4)(d). A written record "shall be maintained of the disposition of missing property." I WAS NOT GIVEN A CELL SEARCH PROPERTY RECEIPT FOR MY PERSONAL PROPERTY THAT WAS STOLEN BY YOUR SEARCHING CORRECTIONS OFFICER'S!

The Department of Corrections Operations Manual states at 52050.18 Searching Inmates-Housing Unit. See, third paragraph. "Every reasonable precaution shall be taken to avoid damage to personal property and to leave the inmate's property in good order upon completion of the search." See, Penal Codes §§484.(a), and 488., as these were violated by your searching staff. See, Civil Codes, 1708, and 1714. See, Code of Civil Procedure 27, 28, and 29.

In conclusion, Captain Fox and Sergeant Mincey are also responsible for the rampant negligence, current and future omissions, criminal acts, damage, i.e., "loss" of all my personal property listed herein. This total price of my property is valued at, \$119. 95.

Any and all assistance that you can give me with clearing up this matter will be genuinely appreciated. I look forward to your prompt response within the laws under Title 15. 3084.6.(a). subd.(b)(1)(2)(3)(4)., per "Appeal Time Limits." This 602 grievance appeal does not contain complex issues. Delays in adhering to 3084.6.(a) will be prosecuted! My appeal of this issue is timely filed.

DATE: Tuesday 10-31-06



Mr. Glenn Padgett K-45050

155056

PAGE 1

1-800-546-6283

6/13/06

ACCESS CATALOG

KEEFE COMMISSARY NETWORK, L.L.C.

WAREHOUSE: M

13330 LAKEFRONT DRIVE

CARRIER: UPS

8728096 001

EARTH CITY, MO 630451513

SLSR: 313

ORDER #: 41687

GLENN PADGETT 1 NORTH INR: K45050

USE INMTR# AS BOX#

SAN QUENTIN MAINLINE**

USE DISC SPKR OR NO SPKR TVS

GENERAL DELIVERY BOX#K45050

GP-051, SPO-005

SAN QUENTIN CA 94964

QTY	UOM	ITEM NO	C DESCRIPTION	ITM PRC	TTL PRC
1 EA	✓	50496070	N DICKIES LINED DENIM JACKET 3XL	46.49	46.49
1 EA	✓	51182010	N BC CLEAR HOT POT W/FOOD INSERT 350W 160	14.90	14.90
1 EA	✓	51218010	N LAKEWOOD 8" CLEAR FAN	20.50	20.50
1 EA	✓	52118100	N TIMBERLAND DRCT ATTACH WORKBOOT 92 10	69.99	69.99

*authen**Wm*

SALES TAX OF \$10.91 IS INCLUDED IN TOTAL AMOUNT

MT RECEIVED	155.88	SHIPPING/HANDLING	4.00	TOTAL:	155.88
-------------	--------	-------------------	------	--------	--------

TOTAL WT: 7.72

ALL SPEAKERS MUST BE DISCONNECTED & REMOTES

6/16/06

ION SUPPLY COMPANY INC

INVOICE

Rec'd 6-13-04
Sunday 6/13/04

W. Amesbury • P.O. Box 7005
San Diego, CA 92161-7005
619-594-8888
619-594-8889

2001
R. J. DONOVAN CORP. FACILITY
480 ALTA ROAD
SAN DIEGO, CA 92179

Imate: PADGETT
Housing Unit:
R. J. DONOVAN CORP. FACILITY
IMMATE SPECIAL PURCHASE ORDER
480 ALTA ROAD
SAN DIEGO, CA 92179

PAGE	1
INVOICE NO.	278027
INVOICE DATE	6/09/04

ITEMS	DATE SHIPPED	SHIP TO	BLANK	BOOKING NO.
50	UPS - Ground	Freight	6/09/04	106
Imate: PADGETT				320653-00
#1: K43050				

DESCRIPTION	PRICE	UNIT	AMOUNT
NO BACKORDERS ALLOWED: OXFORD BROWN MENS WORK SHOE	33.6000	PR	33.60
LEVIS 550 RELAXED FIT JEANS	26.8800	PR	26.88
KOSS CL-20 CLEAR HEADPHONE	26.4000	EA	26.40
UPC #1: 0001081002			
UPC #1: 2129914097			

40 x 34
RELAXED FIT

40 x 34
RELAXED FIT

40 x 34
RELAXED FIT

40 x 34
RELAXED FIT

BALANCE	SHIPPING & HANDLING	TAX	SUB TOTAL	DEPOSIT	INVOICE DATE	AGE DUE
98.04	98.04	98.04	98.04	98.04	100	100

WALKENHORST'S

1774 INDUSTRIAL WAY
NAPA, CALIFORNIA 94558
CA (800) 660-9255 - (707) 255-4412 FAX (707) 255-1974

18612

INVOICE/WORK ORDER

CA STATE PRISON-LA. COUNTY
44750 60TH STREET WEST
LANCASTER, CA 93536

S PADGETT K-45050
H CA STATE PRISON-LA. COUNTY
I 44750 60TH STREET WEST
P LANCASTER, CA 93536
T
O

ORDER DATE 1/2/08		CUSTOMER ID K-45050		SHIP VIA UPS		F.B.R. #		SHIP TO	
BUYER PADGETT		DATE RECEIVED 1/2/08		LOCATION MAIN		SHIP PERSON RS		SHIP TO LOS ANGELES CO	
ITEM NO BIN LOCATION NO.	QTY	DESCRIPTION	QUANTITY ORDERED	QUANTITY BACK ORD.	QUANTITY SHIPPED	UNIT PRICE	EXTENSION	TAX	
00500001	1001	1001				149.97	149.97		
00500011	1002	1002				6.97	6.97		
00500062	1003	1003				4.97	4.97		
00500024	1004	1004				9.97	9.97		
00500075	1005	1005				20.30	20.30		

Phone Toll Free 800-660-9255 • 707-255-4412 • Fax 707-255-1974

City, State, Zip _____

[illegible]

TOTAL ~~17798~~

192.33

Walkenhorst's • 1774 Industrial Way, Napa, CA 94558
Phone 800-660-9255 • 707-255-4412 • Fax 707-255-1974

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Reginald J. Davis	K-77382	AD-SEC CDM Line	N/D 4-11-06

A. Describe Problem: The Appellant filing this appeal contends that on 10-26-06, Appellant's cell was searched during a total unit search and personal property, in the process of that search my KOSS EQ Equalizer #20.98 was crushed up on my cell floor. My silver 24" FIGARO Chain and cross \$65.00. And my TWIN Radio was confiscated for being altered. This is the same radio that Sgt. Kilmer gave to Appellant's to drop his QOT on lost property and a damage radio. Since the Department of Correction and Rehabilitation has removed

If you need more space, attach one additional sheet. SEE ATTACH SHEET.

B. Action Requested: Appellant request that he be fully compensated for the loss of said property items.

Inmate/Parolee Signature: Reginald J. Davis Date Submitted: 10-31-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

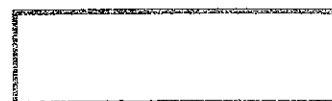
D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



Describe Problems

on a deal with appellant by taking the radio back. Appellant, shall be allow to resubmitt his original 602 for a damage JWIN radio and the lost item of property while being transferred to San Quentin State Prison on April 19, 2005.

ISSUES

- In order to create a protected liberty interest in prison context, a state regulation must use explicit mandatory language, "in connection with the establishment of 'specific substantive predicates' to limit official discretion, and thereby require that a particular outcome be reached upon finding that the relevant criteria have been met". *Hewitt v Helms*, 459 U.S. 460, 472.

The fourteenth amendment of the U.S. Constitution reads in part: "nor shall any State deprive any person of life, liberty, or property, without due process of law," and protects "the individual against arbitrary actions of government," *Wolf v McDonnell*, 418 U.S. 539, 558 (1974).

Stated simply, "a state creates a protected liberty interest by placing substantive limitations on official discretion." *Olim v. Wakinekona*, 461 U.S. at 249.

The Department's rules regarding this case are contained in the California Code of Regulations (CCR) Penal Code, Title 15, Section (S) 3004, 3190(A), 3191, 3193, 3287(A)(2)(4)*339 Dom 54030.3, 54030.13., 54030.15. PG. 118, 132, 134, 839, copy to be placed into his/her file.

As this particular search was conducted by other than North Block staff (assigned officers and sergeant), collective measures implemented to prevent abuse of inmate personal property were ignored & thrown into the trash and trash truck, all in the same day. And the search was conducted without compliance with SAN Quentin's Institutional Procedure(s) and departmental policies. The total unit search was supervised by Correctional Captain R. Fox.

In reference to the cell search, CCR 3287(A)(2) reads in part... "Such inspections will not be used as a punitive measure nor to harass an inmate. Every reasonable precaution will be taken to avoid damage to personal property and to leave the inmate's quarters and property in good order upon completion of the inspection." Searching staff completely ignored this provision and were disrespectful of inmates personal property and conditions of their living quarters.

CCR 3287(A)(4), also reads, "...THE inmate will be given a written notice for any item(s) of personal and authorized state-issued property removed from his or her quarters during an inspection and the disposition made of such property." Again, search staff completely ignored this provision and no written notice for any item(s) taken were provided (see also, Dom 54030.13).

Each employee involved in the handling of an inmate's property shall make the extent of such involvement a matter of record (Dom 54030.3).

Inmate Name: Davis CDC #: K17382 Cell/Area: 4N64

Item(s)	Reason/Disposition
<u>Altered radio</u>	<u>altered</u>

Confiscated by: cb Zhou Date: 10.26.06

Signature: _____
Title: ☐ White - Unit Supervisor ☐ Yellow - Inmate ☐ Pink - Confiscator

**CALIFORNIA CORRECTIONAL INSTITUTION
SECOND LEVEL APPEAL RESPONSE**

DATE: June 24, 2005

NAME/NUMBER: Davis, K27382

APPEAL LOG NUMBER: CCI-5-05-1165 (SQ log# 05-1013)

INTERVIEWED BY: C. Trotter, CC-I, on June 22, 2005 (via telephone)

APPEAL DECISION: Denied

APPEAL ISSUE: **PROPERTY**

The appellant states that he was transferred to San Quentin State Prison on April 18, 2005. When he received his property, he noticed that his radio was damaged and that he was missing many items. It is the position of the appellant that the State is liable for the damaged and missing property, and that he is reimbursed for his property, valued at \$374.48.

RESPONSE:

All relevant documents and information submitted in writing have been carefully reviewed and considered. A thorough review has been conducted and evaluated in accordance with departmental policies and institutional procedures.

A riot, involving hundreds of inmates, occurred on Unit II at CCI on February 24, 2005. The incident also involved inmates looting the property of each other. All inmates believed to have possibly been involved in the riot had to be removed from the general population immediately. Nearly three hundred inmates were transferred to alternate institutions within hours of the riot, and approximately 200 others were placed in Administrative Segregation here at CCI. Of these 200 inmates, nearly 150 have subsequently either transferred or are awaiting transfer. Staff was tasked with the enormous job of gathering, inventorying and preparing for transfer the property for all of these inmates.

During the interview, the appellant stated he is missing two pair of shoes and that some of his property was damaged, including his CD player.

California Code of Regulations (CCR), Section 3193 (a) states, in part, *In permitting inmates to possess items of personal property while they are incarcerated, the department does not accept liability for the theft, loss, damage or destruction of such property resulting from the intentional or careless act or activities of any inmate...* This includes riotous behavior. It is unfortunate if any of the appellant's property was stolen during the riot situation on Unit II. However, any loss of appellant's property is the direct result of the actions of inmates and there is no evidence to support that the loss was, in any way, the result of employee negligence. Accordingly, the department is not responsible for the loss. The appellant did not provide any documentation to support his allegation that his radio was damaged during the transfer process.

Davis, K27382
CCI-2-05-1165
Second Level Review
Page 2

Receiving and Release staff was contacted, and information was received that one additional box of property was located that has been positively identified as belonging to the appellant. This box of property was delivered to the warehouse for shipping, which occurred on June 21, 2005. The property is being shipped via a freight truck.


Based on the decision that the appellant will not receive any monetary reimbursement, this appeal is DENIED.

If dissatisfied, the appellant may request a Director's Level review by following the instructions on the appeal form.



S. WHITLACH
Appeals Coordinator

6/24/05
Date



L. L. SCHULTEIS
Chief Deputy Warden
Units I, II, III, and Operations

6-24-05
Date

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

 1. SQ
 2. CC-5-05

 1. 05-1013
 2. 1165

 Property
 Transfer

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Reginald J. Davis	K27382		4-A-1804

A. Describe Problem: On 4-18 and 19-2005, Appellant was transfer from Tennessee State Prison to Shalveyton on a ADVERSE TRANSFER. WHEN APPELLANT RECEIVE HIS PERSONAL PROPERTY, LEGAL DOCUMENTS, SOME RECEIPTS WERE MISSING AND OTHER PAPER WORK WAS MISSING.

SEE ATTACH SHEET

If you need more space, attach one additional sheet.

B. Action Requested: 1) THAT APPELLANT BE REIMBURSE IN THE SUM OF \$374.48 FOR DAMAGES TO HIS JUVIN RADIO AND, THE MISSING PERSONAL PROPERTY, AND OTHER ITEMS.

Inmate/Parolee Signature: Reginald J. Davis

Date Submitted: 4-20-2005

C. INFORMAL LEVEL (Date Received: _____)

APR 27 REC'D

Staff Response: _____

Bypass

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

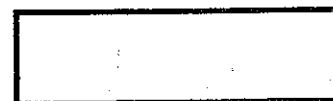
Bypass

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



165

ISSUES 8 1) APPELLANT'S RADIO TWIN ANDREWS CD RADIO WAS DAMAGED, AND VALUE AT \$58.95.

2) A list of APPELLANT'S missing property, 24" FLOOR CURTAIN - SILVER \$42.00, STERLING SILVER CROSS \$12.00, KISS CLEAR HEADPHONES \$27.00, NIKE CROSS TRAINER ATD WHITE 12" \$74.32, CONVERSE COR 500 HI B-BALL WHITE 12" \$39.79, THERMAL TOP \$4.25, THERMAL BOTTOMS \$4.25, HANES WHITE BOXERS \$3.00, HANES Big CREW T-SHIRTS 3PACK \$16.00, TUBE SOCK ALL WHITE 6pairs \$5.25, G RUSSELL - SWEATPANTS 2XL \$11.90, 6 PACK FANTA ORANGE SODAS \$2.20, TREND LAUNDRY SOAP \$1.15, TOOTH BRUSH \$1.50, 24 CHICK SOUPS \$4.80, 24 ROAST CHICKEN SOUPS \$4.80, BASEBALL CAP WHITE \$3.97, ITALIA SANDALS by REEBOK BLACK \$21.97, 1 LIGHT GREY 3X SWEAT PANTS \$15.97, 1 LIGHT GREY 3X SWEATSHIRT \$14.97, 1 LIGHT GREY 2X SWEATSHIRT \$12.97, 1 LIGHT GREY SWEATPANTS \$12.97.

3) APPELLANT REQUEST THAT THE STAR SHALL REIMBURSE HIM FOR A DAMAGE RADIO, AND MISSING PERSONAL PROPERTY IN THE SUM OF \$314.48. ~~mail~~

4) THIS VIOLATES THE D.C.M. § 51030.7.2.1 DAMAGE TO PROPERTY, 111 TITLE 15 § 3193 (b).

5) THAT EACH AND EVERY ISSUES BE ADDRESS OR IT WILL BE deem uncontested.

05 MAY 14 PM 3:26
GCI - JACOBAN
OFFICE

1165

INMATE PROPERTY RECEIPT

CCI-HRGR

CLINTON

NAME: DAVIS NUMBER: K27382 DATE: 1-16-07
 CDC BUS: ✓ SPECIAL CANTEEN: _____ QUARTERLY PACKAGE: _____

* DECLARED VALUE IS:

(1) 2402. SILVER RELIGIOUS CHAIN w/ CROSS.	\$65.00
(11) SWIN AM/FM CD. RADIO.	\$58.95
(11) CASIO WATCH ILLUMINATOR.	\$20.00
(1) PANASONIC CLIPPER	\$20.00

I FULLY UNDERSTAND THE FOLLOWING:

- (1) THE ABOVE LISTED ITEMS OF PROPERTY HAVE BEEN RELEASED TO ME THIS DATE.
- (2) THESE ITEMS HAVE BEEN INCLUDED ON MY PROPERTY INVENTORY CARD.
- (3) I SHALL BE HELD ACCOUNTABLE FOR ALL PROPERTY LISTED ON MY PROPERTY CARD UPON RELEASE OR TRANSFER FROM THIS INSTITUTION.
- (4) I SHALL REPORT THE LOSS OR THEFT OF ANY ITEM LISTED ON MY CARD TO R&R, SO THAT IT CAN BE REMOVED FROM MY PROPERTY CARD.
- (5) I SHALL NOT SELL, TRADE, LOAN, NOR DESTROY ANY ITEM ON MY PROPERTY CARD.
- (6) ANY ITEM LISTED ON MY PROPERTY CARD, THAT IS FOUND IN THE POSSESSION OF ANOTHER INMATE, WILL BE CONSIDERED CONTRABAND AND DEALT WITH ACCORDINGLY.
- (7) THE ABOVE DECLARED VALUE IS TRUE:

90 P. H. Kelly
 R&R STAFF SIGNATURE

Reginald J. Davis
 INMATE SIGNATURE

CCI-FORM #1564 (2-94)

05 MAY -3 PM 3:20

CCI-TELECOMM

1165

INMATE PROPERTY RECEIPT

CCI-IR&R

NAME: DAVIS NUMBER: K-27383 DATE: JAN 27 AM 9:18
CDC BUS: _____ SPECIAL CANTEN: X QUARTERLY PACKAGE: _____

KOSS CLR HEADPHONES

* DECLARED VALUE IS:

\$ 27.00I FULLY UNDERSTAND THE FOLLOWING:

- (1) THE ABOVE LISTED ITEMS OF PROPERTY HAVE BEEN RELEASED TO ME THIS DATE.
- (2) THESE ITEMS HAVE BEEN INCLUDED ON MY PROPERTY INVENTORY CARD.
- (3) I SHALL BE HELD ACCOUNTABLE FOR ALL PROPERTY LISTED ON MY PROPERTY CARD UPON RELEASE OR TRANSFER FROM THIS INSTITUTION.
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- (5) I SHALL NOT SELL, TRADE, LOAN, NOR DESTROY ANY ITEM ON MY PROPERTY CARD.
- (6) ANY ITEM LISTED ON MY PROPERTY CARD, THAT IS FOUND IN THE POSSESSION OF ANOTHER INMATE, WILL BE CONSIDERED CONTRABAND AND DEALT WITH ACCORDINGLY.
- (7) THE ABOVE DECLARED VALUE IS TRUE:

R&R STAFF SIGNATUREINMATE SIGNATURE

CCI-FORM #1564 (2-94)

05 MAY -3 PM 3:26

CCI-IR&R

**California Men's Colony
Special Purchase Order**

To Vendor:

WALKENHORST'S
1774 INDUSTRIAL WAY
NAPA CA 94558

Date: 11-25-2003
Special Purchase

For Institutional Use On,

Name: DAVIS, REGINALD

Inmate ID#: K-27382

Housing: Area: BQB3 Bed#: 3257X

EA#: 88108

For Accounting Use Only

DEC 02 2003

348518

Qty:	Catalog#:	Description:	Price:	Total:
1	305425-111	NIKE CROSS TRAINER ATD WHITE 12"	\$59.97	\$59.97

SHIP TO:

California Men's Colony

Special Purchase EA#: 88108

Hwy. 1 North / P.O. Box 8101

San Luis Obispo CA 93409-0003

Re: WALKENHORST'S

Note to Vendor:

IWF Tax for institution use only.
California Use (Sales) Tax applied and
processed pursuant to State law.

Sub Total: \$59.97

Postage: \$4.00

Sub Total: \$63.97

CA Use/Sales Tax: \$4.35

Sub Total: \$68.32

I.W.F. Tax: \$6.00

Sub Total: \$74.32

Pay Vendor This Amt: \$68.32

NOTE TO VENDOR: Show purchase order (EA#) on ALL
shipments. DO NOT place inmate's name or number on
shipping label. Refunds by check or money order ONLY.

Inmate Trust Account Charge This Amt: \$74.32

File
Copy

RECEIPT OF ORDER:

Date of Receipt: _____

Inmate Signature (Do NOT Print)

ACCESS CATALOG COMPANY
10840 LIN PAGE
ST. LOUIS, MO 63132

VIA UPS
SLS JMP

REGINALD DAVIS
CALIFORNIA MEN'S COLONY
3 MI N SANLUIS HWY 1 EA#
SAN LUIS OBISPO, CA 93409

ORDER NO.

ORDER NO. 82609

K27382

CONVERSE CON 500 HI BBALL

WHT SZ 12

UNIT PRICE 39.79

AMOUNT 39.79

TOTAL 39.79

AMT RECEIVED 39.79

OFFICE USE ONLY

WED R/M REMOTE

DESCRIPTION OF EXCHANGE ITEM

PRODUCT NO.

QTY.

EXCHANGE/RETURN ITEMS

DETACH LABEL & PLACE ON OUTSIDE OF PACKAGE

REGINALD DAVIS

CALIFORNIA MEN'S COLONY

3 MI N SANLUIS HWY 1 EA#

SAN LUIS OBISPO, CA 93409

Access Catalog Company

10840 Lin Page Place

St. Louis, MO 63132

05 MAY -3 PM 3:27

10840 LIN PAGE

10840 LIN PAGE

10840 LIN PAGE

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10840 LIN PAGE

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10840 LIN PAGE

10840 LIN PAGE

10840 LIN PAGE

JACK L. MARCUS INC.
5300 W. FOND DU LAC AVE.
MILWAUKEE WI 53216
PHONE: (414) 438-4999
1-800-236-2611

CUST# 93409
ORDER# 2331146
ORDERDATE: 04/17/03

CALIFORNIA MENS COLONY**EAST**

REGINALD DAVIS ID# K27382
HWY 1 NORTH PO BOX 8101
EA#85470
SAN LUIS OBISPO CA 93409

NO CREDITS OR SUBSTITUTES ALLOWED.

05 MAY -3 PM 3:27
CCL-77000000
AFFAIRS

SHIPMENT: SEPARATE BATCH: 982
PO# 17225 DPT # 1

		JEWELRY ORDERS SHIPPED SEPARATELY					
QTY	ITEM DESCRIPTION	JEWELRY SALES FINAL AFTER 30 DAYS	CART LOC.	PRICE	EXT PRICE		
1	35-42/32-B Men's Lee Jeans 200-8989		2A C-01	19.75	19.75		
1	484A-XL-NT MENS THERMAL TOPS 1544/154A-EC		3A K01R04	4.25	4.25		
1	484B-XL-NT MENS THERMAL BOTTOMS 1540/154B-EC		3A K01R03	4.25	4.25		
1	2143-XL-W HANES WHITE BOXERS 436B		3A J01R11	8.00	8.00		
1	1132-3X-W HANES BIG CREW T-SHIRT 3PK 2135X		3A J01R10	11.00	11.00		
1	29-REG-W TUBE SOCKS-ALL WHT-6PRS/UNIT 2407		3A FLOOR	5.25	5.25		
1	731-42-BN LEATHER BELT/BUCKLE 1117		3B I-08	3.50	3.50		
1	2701 24 FIGARO CHAIN-STERLING SIL CH220-24		04 SAFEJ	49.00	49.00		
1	2719 STERLING SILVER CROSS C903		04 SAFEJ	12.00	12.00		

TOTAL SALE AMOUNT: 117.00
FREIGHT: 3.50

LOT NUMBER: 0
ORDER # 2331146 88

DEPOSIT: 120.50
CREDIT USED: 0.00

75270
MEGARY HARRIS P18185
2500 HWY 202 PO BOX 281 LON
TENNESSEE, TN 37134

ORDER # 75270
STREET ADDRESS LINE1
AND SUBST

2 EA	8844	TEACH! BABY RUTH	*** CANCELLED	50	
4 EA	8452	TEACH! SNICKERS BAR		50	2.00
1 EA	48601	TEACH! JOLLY RANCHER ASSORTED 3.7 OZ		80	50
1 EA	48643	TEACH! TOOTSIE ROLLS 2.75 OZ.		70	70
1 EA	81778	TEACH! HERSHEY CANDY BAR		50	50
1 EA	81852	TEACH! 50Z SNACK LEGENDS CHOC CREME FILLE THANK YOU	NO CHG		
2 EA	84119	TEACH! BUGLER 60Z CAN		10.50	21.00
2 EA	28107	TEACH! DOVE 4.75 OZ SOAP		1.50	10.50
1 EA	28319	TEACH! DR PETRO JELLY 3.75 OZ		1.20	1.20
1 EA	28350	TEACH! COLG FRSHMNT BAKESDA/PROXD 6.4OZ TTH		3.50	3.50
1 EA	28371	TEACH! MENNEN CLR SKN OCN SURF DEOD 2 OZ		2.20	2.20
1 EA	821955	TEACH! COLGATE T.C. COOL MINT GEL 6.4 OZ		3.50	3.50
2 EA	826388	TEACH! NEXT 1 OCB SKIN CARE LTN 15 OZ		1.90	3.80
1 EA	822977	TEACH! SUAVE SHAMPOO STRAWBERRY 15OZ		1.70	1.70
1 EA	80727050	G RUSSELL SWEATPANTS	8476087	2XL BIRCH	11.90
4 EA	8075210	9 VOLT BATTERIES	8476087	4-51 VEE	1.70

GIFT CERT. 37
TT RECEIVED 54.93
SALES TAX
SHIPPING/HANDLING
TOTAL 54.93
TOTAL WT 10.95

US MAIL - 3 PM 3:27

Handwritten: Harris, B. / 12/18/04 / RECEIVED

INMATE APPEAL ROUTE SLIP

To: CCI APPEALS

Date: April 27, 2005

From: INMATE APPEALS OFFICE

Re: Appeal Log Number CSQ-3-05-01013 By Inmate DAVIS, K27382

Please assign this appeal to appropriate staff for FIRST level response.

Appeal Issue: PROPERTY

Due Date: 06/09/2005

Special Needs:

05 MAY - 3 PM 3:26
CCI - TERRACON
RECEIVED

STAFF INSTRUCTIONS: Per Director's Rule 3084.5(f) (2) first level appeal review requires a personal interview with the inmate unless the appeal is granted. This policy is not within the institution's jurisdiction and cannot be waived. Director's Rule 3084.5(f) (3) provides that a telephonic interview may be conducted if the inmate is not available in person.

Begin response with GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return appeal to the Appeals Office. All first level appeals require signature of the Division Head. Appeals that are incomplete will be returned for appropriate completion.

Refer to D.O.M. 54100 for instructions.

R.Chandler-Dacanay or W.Jeppeson
Appeals Coordinator
San Quentin State Prison

CRESBARI

California Department of Corrections (CC

1)

Inmate Sales Receipt

Commissary: DAN2

Inmate Rept #: 549493

Com Rept #: 623681

Inmate ID: K27382

Inmate Name: DAVIS, REGINALD

Inm Rept Type: INMATE

02-24-2005 14:53

Reg Acct Balance: 150.00

Description	Qty	Price	Amount
BATTERY WA	2	0.55	1.10
TABLET, LEGAL Y	1	1.10	1.10
CLIPPERS, TOENA	1	0.90	0.90
IMMERSION HEATE	1	5.25	5.25
ORANGE, PANTA	6	0.45	2.70
SOAP, JERGENS	8	0.50	4.00
TREND LAUNDRY	1	1.15	1.15
COLGATE B.S.W.P.	1	2.55	2.55
BABY POWDER	1	1.00	1.00
BABY LOTION	2	1.00	2.00
MEN DEO. YFRESH	1	2.10	2.10
CREAM, NOXEMA	1	1.90	1.90
CAN, ROASTBEEF	2	2.75	5.50
POUCH, CHILI W/	3	1.20	3.60
CAN, FISH IN MU	20	0.65	13.00
CAN, SPAN 7 OZ	5	1.95	9.75
TORTILLAS-FLOUR	4	1.00	4.00
RICE, HONEYMONY	3	0.85	2.55
PINTO BEANS, HO	4	1.35	5.40
SMOKY SPICY BEE	1	1.50	1.50
SMOKY BEEF SAUS	1	1.50	1.50
CHEESE, SQUEEZE	2	3.00	6.00
TOOTH BRUSH	1	0.50	0.50
MAYONNAISE, RED	2	1.80	3.60

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Cornelius Wigfall	P-72694	PIA	5-N-894

A. Describe Problem: During search (10-26-06) medically assigned cotton-blanket (due to allergies) was taken out of my cell (even though my medical chrono was in plain sight, sitting on top of said blanket).

If you need more space, attach one additional sheet.

B. Action Requested: Would like to be re-issued medically assigned cotton-blanket ASAP. — Thank you.

Inmate/Parolee Signature: _____

Wigfall

Date Submitted: 10-30-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number: _____

Board of Control form BC-1E, Inmate Claim



CDC 128 C - TEMPORARY COPY

NAME Wigfall, Cornelius NUMBER P 72694 HOUSE N 89 DATE 6/1/05

REQUEST Cotton Blanket because of allergy x 1yr
1-yr issue extra sheets of blanket not
available

MEDICAL REASON:

SIGNED

C. William [Signature] M.D.

[Signature] 6/12/05 MP
2nd ISSUED 6/16/05 - BS
EXTRA

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Robert Kaser	D-41415	Library Clerk	2-N25-L

A. Describe Problem: On 10/27/06, CDCR Staff entered my cell during a Unit search. My personal property was deliberately scattered and mixed with my cellie's property, which could only have been done under orders with malicious intent. Some of my medications are missing as are a medical bedboard and medical back support. I have chronos for them. Also taken was a T.V. stand that was issued to me when I accepted the cell in 2000. I believe that CDCR Staff violated the intent of CCR Title 15 Section 3287.

If you need more space, attach one additional sheet.

B. Action Requested: The following be notified of the incident search of the Unit: Federal Judge Thelton Henderson, Federal Receiver, Robert Sillem, Special Master, John Hagar, and the State Inspector General's Office for investiagtions. I also request a T.V. stand, and replacement of medical items taken.

Inmate/Parolee Signature: Robert Kaser Date Submitted: 10/31/06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



Men's Advisory Council Complaint and Issue of Interest

The complaint below initiated by:

NAME	CDC	HOUSING	DATE
KASER, ROBERT	D-41415	2-N25-L	10/30/06

This issue is concerning (✓ Check the applicable category) :

- | | | |
|---|--|-----------------------------------|
| <input checked="" type="checkbox"/> Health Care | <input type="checkbox"/> R & R | <input type="checkbox"/> Canteen |
| <input type="checkbox"/> Food Service | <input type="checkbox"/> Recreation & Art in Corrections | <input type="checkbox"/> Laundry |
| <input type="checkbox"/> Housing & Maintenance | <input type="checkbox"/> Education & S.Q. TV | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Library | <input type="checkbox"/> Inmate Trust Account | <input type="checkbox"/> Visiting |
| <input type="checkbox"/> Religious | <input type="checkbox"/> Other (specify) _____ | |

Describe the Problem in Brief (Include attachment if Needed)

On October 27, 2006, a search was conducted in North Block. ALL OF my six cubic feet of personal property was maliciously scattered about the cell.

A medical bed-board was taken. A back support was taken. I have chronos for both. The following medications are missing from my cell: Indomethacin, athenolol, Prilosec, Zantac, Tizanidine, and two inhalers, Flonvent and Aluterol.

(The letter "O" is broken on this typewriter.)

Did you file any CDC-602 appeal pertaining to this issue? ☒ NO ☐ YES

If "YES" What is the appeal's Log#:

** Do not complete the section below unless the problem is of a Health Care Nature.*

WAIVER OF MEDICAL PRIVACY LAW

I, Robert Kaser, CDC: D-41415, on this date: 10/30/06, DO WAIVE my medical patient privacy rights to the Men's Advisory Council (MAC) as my representative to discuss my case with the San Quentin Health Care Manager, and the Federal Receivership Representative, in order to resolve my medical complaint through administrative and/or legal process. I understand that I can revoke the waiver any time in writing.

Executed on: 10/30/06, at San Quentin, County of San Rafael, California.

Name: Robert Kaser

Signature: Robert Kaser

Baha Asgari
CDC-46746/1N.98L
CSP. San Quentin, CA 94974

November, 2/2006

Honorable Chief Judge Thelton E. Henderson
U.S. District Court, Northern District
450 Golden Gate Ave.
San Francisco, CA 94102

Honorable Judge Henderson:

On 10/27/06, at approximately 8:00 AM I was taken out of my cell and strip searched out-of-doors in the cold and made to stand barefoot on the ground dotted with bird feces and saliva. I was then escorted to the prosthetic clinic per my ducat (See Exhibit A).

On this day there was a partial unit search of North Block (housing unit- San Quentin Prison), tiers one and two. I am housed on the first tier. It took about two hours for me to complete my appointment at the clinic, and I missed breakfast and my sack of lunch. I told several staff of my medical condition, but was ignored (See Exhibit B).

When I was finally allowed into my cell it was 8:00 pm. I spent a total of twelve(12) hours on the upper and lower yards. In the past, disabled and impaired prisoners were allowed in the Dining room for the duration of the search, which at most may last 6 hours, twelve hours was a painfully unbearable period.

Finally, 8:00 PM, when I was allowed in my cell, to my horror I found my cell floor covered up with my legal papers and my canteen trampled on. All of my medical pills and supplies were taken away. My physician prescribed bedboard along with the CDC-128C on the board was confiscated, and my mattress was on the ground and draped on the toilet.

I am a 69½ year old inmate disabled and could not understand how in the Heavens name an Institution could be allowed to operate in this manner. It is unconscionable that human beings could treat the elders and impaired with such contempt and indifference.

Respectfully,

Baha Asgari

Baha Asgari
CDC-46746/1N.98L
CSP. San Quentin, CA 94974

November, 2/2006

Honorable Chief Judge Thelton E. Henderson
U.S. District Court, Northern District
450 Golden Gate Ave.
san Francisco, CA 94102

Honorable Judge Henderson:

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I am a 69½ year old inmate disabled and could not understand how in the Heavens name an Institution could be allowed to operate in this manner. It is unconscionable that human beings could treat the elders and impaired with such contempt and indifference.

Respectfully,

Baha Asgari

INMATE/PAROLEE

APPEAL FORM

CDC 602 (12/87)

1 _____ 1 _____

2 _____ 2 _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
O'DONNELL	759324	—	1-N-95

A. Describe Problem: SEE ATTACHED

THIS APPEAL PERTAINS TO THE WRONGFUL CONFISCATION OF MY PROPERTY. THE FACTS OF THIS APPEAL ARE TRUE TO THE BEST OF MY KNOWLEDGE. SEVERAL VIOLATIONS OF THE TITLE 15 OCCURRED DURING THE SEARCH OF MY CELL.

(CONTINUED) →

If you need more space, attach one additional sheet.

B. Action Requested: THE RETURN OF MY PROPERTY AND NO RETALIATION AGAINST ME FOR THIS APPEALInmate/Parolee Signature: [Signature] Date Submitted: 11/19/06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

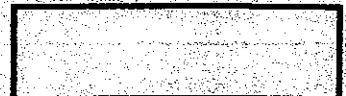
D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



On Thursday, October 27, 2006, at approximately 0900 hours, a () recall of all North Block inmates was performed. At approximately 1230 hours, after all North Block inmates had returned to their cells, a search of the housing unit was initiated beginning on the fifth tier. At approximately 2130 hours, the inmates on the first and second tiers were removed from the unit and placed on the upper yard where an unclothed body search was performed. Afterward these inmates were placed in dining halls one and two. We were kept in the dining halls until after 0200 hours. Upon returning to the unit it was evident that our cells had not been searched. As it turned out, the only tiers to be searched were the third, fourth and fifth. (See Attached)

On Friday, October 28, 2006, at approximately 0830 hours, the inmates on the first and second tiers were removed from their cells and taken through the rotunda to the upper yard where another unclothed body search was performed. We were allowed to eat and then were told to go to the lower yard while a search was performed on our living quarters. At approximately 1900 hours we were allowed to return to our cells.

The CCR, Title 15, Chapter 1, Subchapter 4, Article 2, §3287(a), (2), Cell, Property, and Body Inspections, states in part, "Such inspections will not be used as a punitive measure nor to harass an inmate. Every reasonable precaution will be taken to avoid damage to personal property and to leave the inmate's quarters and property in good order upon completion of the inspection." This was not done. My cell was devastated. The contents of the wall lockers were strewn about the cell. Both mattresses had been stripped and thrown on the floor and our bedding was in a pile in the corner. My television was resting face down on the springs of the upper bunk and the cable had been forcibly ripped from it, leaving the end still screwed into the back of the set. There was literally no room for two people to stand in the cell at the same time. I pushed further into the cell to allow my cellmate to enter and the C/O locked us in. After many hours, we finally had the cell cleaned up enough so we could sleep in our bunks.

The CCR, Title 15, Chapter 1, Subchapter 4, Article 2, §3287(a), (4), Cell, Property, and Body Inspections, states in part, "The inmate will be given a written notice for any item(s) of personal and authorized state issued property removed from his or her quarters during an inspection and the disposition made of such property. The notice will also list ... the follow-up action intended by the inspecting officer."

That night I looked painstakingly through the wreckage of my cell for a receipt but found nothing. I later checked with Sgt. Dennis, who had a stack of receipts, to see if one had been left for my cell but to no avail. I also asked him if he had a list of officers who had searched the cells and he said he did. He produced several sheets of legal size paper and checked each one carefully for my cell number but found nothing.

The CCR, Title 15, Chapter 1, Subchapter 4, Article 2, §3287(d), Cell, Property, and Body Inspections, states in part, "a written record shall be maintained of the disposition of contraband and stolen or missing property confiscated as the result of cell, property, or body inspections."

None of the property "confiscated" from me could be considered unauthorized or dangerous material described in section 3152.

The CCR, Title 15, Chapter 1, Article 1, §3000, Definitions, states in part, "Manuscript means any ... **sketches; drawings;** ... created by an inmate.

The CCR, Title 15, Chapter 1, Subchapter 2, Article 5, §3151, Possession, states "Any manuscript as defined in section 3000 remains the property of the inmate who created it. It may be retained in the inmate's possession except as otherwise described in section 3152."

On Sunday, October 30, 2006, I began the task of sifting through my property to return things to their proper places. This was when I discovered that the following items had been "confiscated".

Personal Items:

- A) 2 Pair Of Personal Blue Jeans
- B) 1 Personal Blue Shirt
- C) 6 Hangars

- D) Approximately 100 Letters From My Family
- E) Approximately 200 Photos (kept in the letters they originally arrived in)
- F) 1 Timex Watch
- G) 1 Stinger
- H) 1 Plastic Bowl
- I) 1 Set Sony Headphones
- J) 1 Pair Reading Glasses (broken)

Hobby Craft Items:

- A) 1 Drawing Board (23" X 26")
- B) 1 Portfolio With Between 40 And 50 Finished Drawings, 2 Portraits In Progress And Dozens Of Sketches
- C) 3 Of 4 Kneaded Erasers
- D) 1 Tin Of 24 Colored Pencils
- E) 11 Sheet Protectors
- F) 4 Butterfly Clips

State of California

Department of Corrections

INMATE/PAROLEE APPEALS SCREENING FORMNAME: Thomas NUMBER: D 38815 SQP LOG No: _____

(OTHER LOG NO) _____ ISSUE: _____ AREA OF ORIGIN: _____

HOUSING UNIT 2N79 NOTE _____**YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):**

- ____ 1. The action or decision being appealed is not within the jurisdiction of the Department.
 ____ a. BPT Issue, file BPT 1040 form & submit to C&PR ____ b. Other, see comments
- ____ 2. You have submitted a duplicate appeal on the same issue. Check one:
 ____ Your first appeal was screened out on _____ for _____
 ____ Your appeal is currently under review at the _____ level.
 ____ Your first appeal has been completed at the _____ level.
- ____ 3. You are appealing an action not yet taken.
- ____ 4. You may not submit an appeal on behalf of another inmate.
- ____ 5. You have not adequately completed the Inmate/Parolee Form (CDC 602) or attached the proper documents.
 ____ CDC-115 Hearing Officer's or Disciplinary Committee Results ____ Supplemental Reports to CDC-115.
 ____ CDC-115A with I.E./D.A. info. ____ CDC-128B1 Hearing Notif. ____ CDC-839/840 Class/Reclass Score Sheet
 ____ CDC-128G ICC/UCC Clas. Com. ____ CDC-128G Init. Clas. Com. ____ CDC-128G CSR Endorsement Chrono
 ____ Lab Results Sheet ____ CDC-114D Lock Up Order ____ CDC-1030 Confidential Disclosure
 ____ CDC-7219 Medical Report ____ Legal Status Summary ____ CDC-128C Medical Chrono
 ____ Board of Control Claim Form (attached) ____ Property Inventory Slip
 ____ Receipts: ____ Qtr.Pkg. Inventory Slip ____ CDC-143 Property Transfer Slip ____ Cell Search Slip
 ____ You have failed to complete Section _____ Sign & Date Section _____
 Other: _____
- ____ 6. There has been too great a time lapse between when the action or decision occurred and when you filed your appeal.
- ____ 7. This issue has been appealed under the assigned SQP Appeal Log No. _____ Per DOM section 54100.10.1,
 a copy of the reviewer's response: _____ Is attached _____ Will be forwarded to you upon completion
- ____ 8. Abuse of the Appeal Procedure. See Comments.

Comments:

Your appeal is being returned based on your failure to provide the SQ Prison Confiscated Property Receipt left by staff and or any property receipt showing possession of items claimed taken or damaged.

R. Chandler-Dacanay
R. CHANDLER-DACANAY
 CC-II, Appeals Coordinator

W. Jeppeson
W. JEPPESON
 CC-II, Appeals Coordinator

Date 11-6-6

This screening action may not be appealed unless you allege that the above reason is inaccurate. In such case, please return this form to the Appeals Coordinator with the necessary information.

PERMANENT APPEAL ATTACHMENT-DO NOT REMOVE.

Must Send Current San Q Unit Receipt.

CDC-695 (REV. 12/90)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Atkins

Location: Institution/Parole Region

Log No.

Category 5

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Mr. Charles E. Thomas	D-38815		2-N-79L

A. Describe Problem: On Oct. 27, 06, there was a major search of North Block cells, and during this main line search certain staff officials and certain under staff acted unprofessional and "deliberate indifferent" to the established rules, procedures and policies in California Code of Regulations Title 15. Crime Prevention and Corrections. In fact, their actions were malfeasance and a blunt disregard for prisoners personal property and their right to possess personal property per CCR 3190.(a). Certain staff maliciously removed my personal property without cause and without required written notice per CCR 3287.(a)(4), the follow items: Letters from my mother who has past away, and my daughter who also has past away; Legal transcripts;

If you need more space, attach one additional sheet.

(PLEASE SEE ATTACHED SHEET FOR FURTHER DISCUSSION)

B. Action Requested: I respectfully request that my personal property that was removed from my cell be returned immediately and if any property is lost or destroyed I be compensated per CCR 3193.(a)(b); I am also in the process of contacting the clerk of the court to find out the cost to replace my transcripts. I further request investigation into this matter. Thank you!

Inmate/Parolee Signature: Charles E. Thomas NOV 6 2006 Date Submitted: 10/31/2006

C. INFORMAL LEVEL (Date Received: 11-16-06)

Staff Response: DENIED. DURING ANY OF MY SEARCHES I STAYED WITHIN THE GUIDELINES PRESENTED IN THE D.O.M. I REMOVED ONLY CONTRABAND ITEMS. THE ITEMS ON YOUR APPEAL IS UNBELIEVEABLE BECAUSE AT ANY GIVEN POINT DURING THE SEARCH, SERGEANTS, LIEUTENANTS, CAPTAINS WERE ON THE TIER INSPECTING CONFISCATED MATERIAL.

Staff Signature: A. W. Cotten

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Informal response was unresponsive to my complaint; specifically, that my property and personal effects were missing following the search of our unit. It is my understanding that some cells were searched more than once, perhaps this is the case and I know is my property is gone.

Signature: Charles E. ThomasDate Submitted: 11-28-06

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number: _____

Board of Control form 30-1E, Inmate Claim



*11-6-06
Current
property
received*

Sony Ear phone; Hobby drawing boards; (120) colored pencils; Pocket watch w/chain; Neck lamp; Clock; Pictures of family and friends; personal clothing two pair of pants' three slengshots; Two pair of reading glasses; Two-speed stick gel's deodorants; Two 16zo jars of Folgers Coffee. Since I did not receive the required written notice per CCR 3287, I have attached a Declaration under the penalty of perjury to support my assertions herein. I also have witnesses and other prisoners that have experience the same loss, without written notice. Therefore, this matter should be handled in accordance to CCR 3391. Employee Conduct.(a)(d), a Citizens Complaint against staff officials, and my personal property should be returned.

Dated: October 31, 2006


Charles E. Thomas

DECLARATION OF CHARLES E. THOMAS: CDCR ID #D-38815

I, Charles E. Thomas, am the Appellant in CDC-602 Appeal Log No. _____, in San Quentin State Prison, and do hereby Certify and Declare this 31 day of October 2006, that the following is true and correct under the penalty of perjury and being Sworn, and I declare that:

I am a resident/prisoner of San Quentin State Prison in the County of Marin, and I am housed in North Block, which housing Main Line prisoners, and on October 27, 2006, there was a major search in North Block building and the following personal property was removed from my cell 2-N-79L, without written notice and without cause:

Letters; Two boxes' of legal transcripts; Sony Ear phone; Two hobby drawing boards; (120) colored pencils; Pocket watch w/chain; Neck Lamp; Personal clothing two pair of blue plant and three slengshots; Two pair of reading glasses; Two-speed stick gel's deodorants; Two 16zo jars of Folgers Coffee; Pictures of family and friends.

VERIFICATION

I, Charles E. Thomas, declare under the penalty of perjury that: I am the Appellant in the above entitled action; I have read the foregoing Declaration and know the contents thereof; and the same is true of my own knowledge except as the matters stated therein upon information and belief, and as to those matters I believe to be true.

EXECUTED THIS 31, DAY OF OCTOBER 2006, AT SAN QUENTIN STATE PRISON, COUNTY OF MARIN, CALIFORNIA.

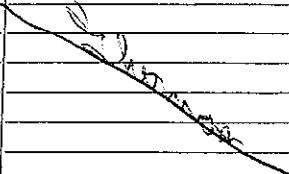


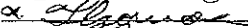
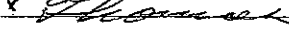
STATE OF CALIFORNIA)
COUNTY OF MARIN)
C.C.P. §446 & 2015.5; U.S.C. §1746)


Declarant/Charles E. Thomas

Inmate's Property Card

Number: **D 38815**

Name: THOMAS

Date	Signature	Article	THAMES
5-13-98		MISC CANTEN & CASH, LEGAL PAPERS 1 13" COLOR KTV TV #68041586 2 PHOTO ALBUMS 2 PR GLOVES 2 PR T-SHIRTS Belt 2 BOWLS W/ LINS 1 WESTCOX RAIL W/ RTH 1 PR SUNGLASSES 1 RAIL CAP 3 T-TOPS 1 PR WEAR GLOVES 1ST QTR MISC FOOD 2ND QTR MISC FOOD 3RD QTR MISC FOOD 4TH QTR MISC FOOD	
3-2-99	x 		
5-6-99	x 		
10-1-99	x 		
12-23-99	x 		

I hereby acknowledge receipt of the above mentioned articles and understand I must have them in my possession when leaving this institution, unless properly removed herefrom by the Receiving and Release Sergeant.

SQ-160-A

Date	Signature	Article
8-13-02	Thomas	3 rd QTR. MISC. FOOD
1-21-03	Thomas	1 st QTR
2-24-03	Thomas	3 rd QTR
1-8-04	Thomas	4 th QTR MISC FOOD, 1 GRAY 15-CAP
3-29-04	Thomas	1 st QTR
1-21-04	Thomas	2 nd QTR food
6-14-06	Thomas	2 nd QTR food, 1 pair Levi's
8-14-06	Thomas	QTRLY PLS
9-15-06	Thomas	FULL

SQ-160-A

INMATE/PAROLEE

APPEAL FORM

CDC 902 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
MR. GREGORY TABAREZ	C-22746	North Block Porter	2-N-18L

A. Describe Problem: On October 27, 2006, there was a major North Block search of cells and during this search my typewriter was damaged, it does not operate as it suppose to. Therefore I either want it repaired or replaced or to be compensated toward the purchase of another typewriter, pursuant to Title 15, CCR §3193.(b). I have attached a copy of my receipt for my typewriter. I also tried to inquire what C/O conducted the search in my cell and Sergeant Ionie, did not know the name of the C/O. In addition, all my personal property including my legal documents were thrown around my cell mix with my celly property, my legal documents are part of a civil action against certain staff officials at Folsom State Prison, since my
 If you need more space, attach one additional sheet. (PLEASE SEE ATTACHED PAGES FOR FURTHER DISCUSSION)

B. Action Requested: I request my typewriter be repaired or replaced or I be compensated toward the purchase of another typewriter, per Title 15, CCR §3193.(b). In addition, I want to be compensated for damages for the mixer and possible loss of my legal documents, and for obstruction to the courts, since my civil lawsuit is in the process of full litigation at this time.

Inmate/Parolee Signature: [Signature] Date Submitted: 10/28/06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

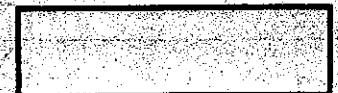
D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



box where these legal documents were contained was clearly mark "LEGAL WORK," and the envelopes were mark "LEGAL CONFIDENTIAL," the C/O that search my cell actions were deliberate malfeasance and these actions were the purpose of obstructing my access to the courts violating Section CCR §3160.(a); and 3287.(a)(2). Furthermore, I feel this was the reason for my typewriter being damaged.

Dated: October 28, 2006


Gregory Tabarez C-22746

CALIFORNIA CORRECTIONAL CENTER

SPECIAL PURCHASE ORDER

J.C. Penney Company Inc. Wallesworth's order form

received
3/17/2000
DATE: 3/6/2000

ENDOR

Catalog Division

1774 INDUSTRIAL WAY

FREET

Napa, California 94558

M. J. J. J. J.

HI

53263-0370

ITY

STATE

ZIP

BY: _____

QUANTITY	UNITS	DESCRIPTION	SHIP WGT	UNIT PRICE	AMOUNT
Page 51	2025-024	E. Brother M. 300 Typewriter		\$149.97	\$149.97
////////	////	////////			

MAIL C/O: CALIFORNIA CORRECTIONAL CENTER
 TO: Gregory Tabares, C-22746, L-5-213-U.
 P.O. BOX 2210 SUSANVILLE, CALIFORNIA 96130

SUB TOTAL \$149.97

SALES TAX \$10.87

SHIPPING CHARGE \$4.00

SERVICE CHARGE //

TOTAL \$164.84

IWF \$14.99

CHARGE INMATE \$179.83

ALL REFUNDS DEPOSITED AS A SEPARATE TRANSACTION,
 INCLUDING ORIGINAL DRAFT RETURNS, AND EXEMPT DEPOSITS,
 WILL BE SUBJECT TO RESTITUTION FEES."

AUTHORIZE DEDUCTION OF ANY CHARGE
 IN CONNECTION WITH THIS ORDER

SIGNATURE: _____

INMATE NAME AND NUMBER

APPROVED: _____

DISTRIBUTION: ORIGINAL-TRUST OFFICE
 COPY-R&R
 COPY-INMATE

WALKENHORST'S

1774 INDUSTRIAL WAY
NAPA, CALIFORNIA 94558
CA (800) 660-9255 • (707) 255-4412 FAX (707) 255-1974

PAGE NO.	ORDER NO.	CUST. NO.
1	1670 03/29/00	001

INVOICE/WORK ORDER

ON FORMER TO THE CHAIR
FOR THE
DISCOUNTED TO 25%

S
H
I
P
T
O

PROPERTY OF 12745
OF COMPANY 10000 05-10-00
200-015-0000-0000
WYOMING, CO 80100

ORDER DATE	CUSTOMER I.D. #	SHIP VIA	F.O.B.	TERMS
03/28/00	C-22746	UPS	SHIPPING POINT	PREPAID
BUYER	DATE REQUESTED	LOCATION	SALESPERSON	TERRITORY
TABAREZ C-22746	03/28/00	MAIN	EL	BASIC ON LINE

ITEM NO. BIN LOCATION NO.	DESCRIPTION	QUANTITY ORDERED	QUANTITY BACK ORD.	QUANTITY SHIPPED	UNIT PRICE	EXTENSION	TAX
2025024	ML300 Brother Typewriter	1			149.97	149.97	T
PAID IN FULL	CHECK: 77565				104.87		

SUBTOTAL	STATE	FREIGHT	
149.97	10.87	4.00	164.84
COUNT ON WALKENHORST'S FOR PROMPT FRIENDLY SERVICE!!		ORDER NO.	TOTAL ORDER VALUE
		1670	

DUPLICATE

14732 S

Phone Toll Free 800-660-9255 • 707-255-4412 • Fax 707-255-1974

City, State, Zip _____

[illegible]

Subtotal	\$ 149.97
Sales Tax (If Shipped Within Calif.)	\$10.87
Shipping Handling	4.00
TOTAL	\$164.84

Send Orders to: Walkenhorst's • 1774 Industrial Way, Napa, CA 94558 • Phone 707-255-4412

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE

APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
WELLS	C44955	pia furniture factory	2N88

A. Describe Problem: My heart malfunctions chronically. Three medications keep me alive. One stimulates my weak heart, another keeps my blood pressure under control. The third medication thins my blood. Subsequent to Friday's search of the second tier north block (10.27.06), I retained some stimulent and pressure medication. I, however, have no medication to thin my blood, none. This is significant since this blood thinner protects against a cerebral vascular accident. I require the medication referred to as warfarin.

If you need more space, attach one additional sheet.

B. Action Requested: Please provide me the medication referred to as warfarin. Thank you.

Inmate/Parolee Signature: 

Date Submitted: 30 OCT 2006

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____



INMATE/PAROLEE APPEALS SCREENING FORM

NAME: Cooper NUMBER T43842 SQP LOG No: _____
 (OTHER LOG NO) _____ ISSUE: _____ AREA OF ORIGIN: _____

HOUSING UNIT 4N100

NOTE _____

YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

1. The action or decision being appealed is not within the jurisdiction of the Department.
 a. BPT Issue, file BPT 1040 form & submit to C&PR _____ b. Other, see comments _____
2. You have submitted a duplicate appeal on the same issue. Check one:
 Your first appeal was screened out on _____ for _____
 Your appeal is currently under review at the _____ level.
 Your first appeal has been completed at the _____ level.
3. You are appealing an action not yet taken.
4. You may not submit an appeal on behalf of another inmate.
5. You have not adequately completed the Inmate/Parolee Form (CDC 602) or attached the proper documents.
- | | | |
|---|--------------------------------------|---|
| _____ CDC-115 Hearing Officer's or Disciplinary Committee Results | _____ CDC-128B1 Hearing Notif. | _____ Supplemental Reports to CDC-115 |
| _____ CDC-115A with I.E./D.A. info. | _____ CDC-128G Init. Clas. Com. | _____ CDC-839/840 Class/Reclass Score Sheet |
| _____ CDC-128G ICC/UCC Clas. Com. | _____ CDC-114D Lock Up Order | _____ CDC-128G CSR Endorsement Chrono |
| _____ Lab Results Sheet | _____ Legal Status Summary | _____ CDC-1030 Confidential Disclosure |
| _____ CDC-7219 Medical Report | | _____ CDC-128C Medical Chrono |
| _____ Board of Control Claim Form (attached) | | _____ Property Inventory Slip |
| Receipts: _____ Qtr. Pkg. Inventory Slip | _____ CDC-143 Property Transfer Slip | _____ Cell Search Slip |
| _____ You have failed to complete Section _____ | | _____ Sign & Date Section |
| Other: _____ | | |
6. There has been too great a time lapse between when the action or decision occurred and when you filed your appeal.
7. This issue has been appealed under the assigned SQP Appeal Log No. _____ Per DOM section 54100.10.1,
 a copy of the reviewer's response: _____ Is attached _____ Will be forwarded to you upon completion _____
8. Abuse of the Appeal Procedure. See Comments.

Comments: Your appeal is being returned based on your failure to provide the SQ Prison Confiscated Property Receipt left by staff and or any property receipt showing possession of items claimed taken or damaged.

R. Chandler-Dacanay
R. CHANDLER-DACANAY
 CC-II, Appeals Coordinator

W. Jepperson
W. JEPPESON
 CC-II, Appeals Coordinator

Date 11-6-6

This screening action may not be appealed unless you allege that the above reason is inaccurate. In such case, please return this form to the Appeals Coordinator with the necessary information.

PERMANENT APPEAL ATTACHMENT-DO NOT REMOVE

Must send Current San Quentin Receipt

INMATE/PAROLEE APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1.

1.

2.

2.

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Bruce D Cooper	T-43842	CLK-1.028 N/BLK Sgt. Clerk	4N100Up

A. Describe Problem: On 10/26/06 appellant's cell was searched during a total unit search and personal property was confiscated and ultimately lost and or destroyed by staff. My cell was searched three times on Captain R. Fox's orders (see continuation form Exhibit A) I was not given any kind of receipt for any property taken or destroyed.

If you need more space, attach one additional sheet.

B. Action Requested: Appellant request that he be fully compensated for the loss of all personal property. (see list of property on Exhibit A)

Inmate/Parolee Signature:

Bruce Cooper

NOV 6

RECD

Date Submitted:

10-31-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response:

Denied Based on your failure to provide any Receipts for the property you say we destroyed and or taken

Staff Signature:

Sgt. MB

Date Returned to Inmate:

11/21/06

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Dissatisfied, I'm waiting for a receipt from last food sale for lost food items and my Inmat. Property Card list other items lost or damaged during search. I have receipts for Vitamins and suppliments missing. Some items, such as deceased family member photos, there are no receipt for, as you well know. I'll have as many receipts as possible when seen at next level. In order to meet CDC 602 deadlines, I wasn't able to gather all receipts in time.

Signature:

Bruce Cooper

Date Submitted: 11/24/06

Note: Property/Funds appeals must be accompanied by a completed

Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



11-6-6
current
property
receipt

CONTINUATION OF 602 SECTION A OF INMATE APPEAL FORM

On October 26, 2006, a yard recall was announced on the lower yard for all North Block inmates to return to there assigned cells and lock-up. The reason for the lock-up was because Medical Staff in N/B said they had 26 methadon pills missing. At approximately 0600 hours Medical Staff notified Correctional Lieutenant T.A. Frates, who contacted Facility Captain P. Speer, who contacted A. W., S. Patrakis, who contacted S. J. Mendoza, Warden(A) Captain R. Fox and Correctional Sergeant M. Iannone were in charge of the North Block Search Crews. The above named people were the chain of command and the beginning of the search and damages.

As a Sergeants clerk in North Block, I was in the building working during the first part of the fourth tier search and watched my cell be searched. Then Captain Fox walked by and looked in my cell and said "Oh No, search this cell again". This went on all the way down the fourth tier, AC side. This went on two more times that I know of. I could see officers laughing and destroying inmates belongings, T.V.s, Photo Albums, Radio's, CD's, Personal Letter's, ect. on purpose. When S. Patrakis noticed myself and three other clerks in the office, We were told to leave the building. Sergeant G. Corbett was in his office and is a witness to the above and that all I've stated is true. *

When I came back to my cell, every thing was on the floor, as I searched for my personal property that was all mixed in with my cell mates I noticed most every thing of value was gone (see list on back of this exhibit).

In order to create a protected liberty interest in the prison context, a state regulation must use explicit mandatory language, "in connection with the establishment of 'specific substantive predicates' to limit official discretion and thereby require that a particular outcome be reached upon finding that the relevant criteria have been met." Hewitt V. Helms, 459 U. S. 460, 472

The fourteenth amendment of the U. S. Constitutional reads in part: " nor shall any State deprive any person of life, liberty, or property, without due process of law," and protects "the individual against arbitrary actions of government, " Wolf V. McDonnell, 418 U. S. 539, 558 (1974). Stated simply, "a state creates a protected liberty interest by placing substantive limitations on official discretion. " Olim V. Wakinekona, 461 U. S. at 249.

The Department's rules regarding this case are contained in the California Code of Regulations (CCR) Title 115, Section(s) 3190(a), 3191, 3193, 3287(a)(2)(4), DOM 54030.3, 54030.13., 54030.15.

As this particular search was conducted by other than North Block staff (assigned officers and sergeant), corrective measures implemented to prevent abuse of inmate personal property were ignored, and the search was conducted without compliance with San Quentin's Institutional procedure(s) and departmental policies. The total unit search was supervised by Correctional Captain R. Fox.

In reference to the cell search, CCR 3287(a)(2) reads in part..."Such inspections WILL NOT BE USED AS A PUNITIVE MEASURE NOR TO HARASS AN INMATE. EVERY REASONABLE PRECAUTION WILL BE TAKEN TO AVOID DAMAGE TO PERSONAL PROPERTY AND TO LEAVE THE INMATE'S QUARTERS AND PROPERTY IN GOOD ORDER UPON COMPLETION OF THE INSPECTION." Search staff completely ignored this provision and were disrespectful of inmates personal property and conditions of their living quarters.

CCR 3287(a)(4), also reads ... ~~"THE INMATE WILL BE GIVEN A WRITTEN NOTICE FOR ANY ITEM'S DESTROYED AND AUTHORIZED PROPERTY REMOVED FROM HIS LIVING QUARTERS DURING AN INSPECTION AND THE DISPOSITION MADE OF SUCH PROPERTY"~~ Again, search staff completely ignored this provision and no written notice or receipt for any items taken or destroyed was provided.

over ROR
Property List →

Inmate's Property Card		Number: T-43842
TRANS FROM FILED		Page 4 of 4
Date	Signature	COOPER
3-24-05	[Signature]	MISC CANTEN, MISL FOOD ITEMS, MISCL 1000 PAPERS, 2 LEVIS, 1 SWEAT SUIT, 10 WHIT SOCKS, SONY AM/FM/CD/BOOM BOX PANASONIC 13" COLOR TV, SONY VCR 600 HEAD PHONES, LEVI BLUE DENIM LONG SLEEVED SHIRT, 10 COUNTRY ROCK MISC CDS, TIMBERLAND BOOTS K-SWISS WH/GRY TENNIS SHOES, PRISON LAW MANUAL, 10 NOVELS, 13 BOOKS NUMEROUS VETAMILS, 2 CREATIVE BICE FIBER, LIMITED LEVI JACKET 2 LEATHER BELTS, ELECTRIC FAN COOL JR PLASTIC LIGHT VALENTINO SUN GLASSES, CALVIN KLEIN PRESCRIPT GLASS WHITE NIKE TENNIS SHOES, PHOTO ALBUM, REMOTE SONY D-F100 CD PLAYER, SILVER WRIST WATCH
5/6/05	[Signature]	2nd Q Food
6-22-05	[Signature]	Vitamin Supplements
9-26-06	[Signature]	PRER RUG
1-18-06	[Signature]	1st Q Food, 10 PAIR SOCKS
9-27-06	[Signature]	3rd Q Food

I hereby acknowledge receipt of the above mentioned articles and understand I must have them in my possession when leaving this institution, unless properly removed herefrom by the Receiving and Release Sergeant.

SO-160-A

INMATE/PAROLEE APPEALS SCREENING FORM

NAME: Ubarra NUMBER C18150 SQP LOG No: _____
(OTHER LOG NO) _____ ISSUE: _____ AREA OF ORIGIN: _____

HOUSING UNIT 2N13

NOTE _____

YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

- ____ 1. The action or decision being appealed is not within the jurisdiction of the Department.
____ a. BPT Issue, file BPT 1040 form & submit to C&PR ____ b. Other, see comments
- ____ 2. You have submitted a duplicate appeal on the same issue. Check one:
____ Your first appeal was screened out on _____ for _____
____ Your appeal is currently under review at the _____ level.
____ Your first appeal has been completed at the _____ level.
- ____ 3. You are appealing an action not yet taken.
- ____ 4. You may not submit an appeal on behalf of another inmate.
- ____ 5. You have not adequately completed the Inmate/Parolee Form (CDC 602) or attached the proper documents.
____ CDC-115 Hearing Officer's or Disciplinary Committee Results Supplemental Reports to CDC-115.
____ CDC-115A with IE/D.A. info. ____ CDC-128B1 Hearing Notif. ____ CDC-839/840 Class/Reclass Score Sheet
____ CDC-128G ICC/UCC Clas. Com. ____ CDC-128G Init. Clas. Com. ____ CDC-128G CSR Endorsement Chrono
____ Lab Results Sheet ____ CDC-114D Lock Up Order ____ CDC-1030 Confidential Disclosure
____ CDC-7219 Medical Report ____ Legal Status Summary ____ CDC-128C Medical Chrono
____ Board of Control Claim Form (attached) ____ Property Inventory Slip
____ Receipts: ____ Qtr.Pkg. Inventory Slip ____ CDC-143 Property Transfer Slip ____ Cell Search Slip
____ You have failed to complete Section ____ Sign & Date Section
____ Other: _____
- ____ 6. There has been too great a time lapse between when the action or decision occurred and when you filed your appeal.
- ____ 7. This issue has been appealed under the assigned SQP Appeal Log No. ____ Per DOM section 54100.10.1,
a copy of the reviewer's response: ____ Is attached ____ Will be forwarded to you upon completion
- ____ 8. Abuse of the Appeal Procedure. See Comments.

Comments: Your appeal is being returned based on your failure to provide the SQ Prison Confiscated Property Receipt left by staff and or any properly receipt showing possession of items claimed taken or damaged.

R. Chandler-Dacanay
R. CHANDLER-DACANAY
CC-II, Appeals Coordinator

W. Jepperson
W. JEPPESON
CC-II, Appeals Coordinator

Date 11-6-6

This screening action may not be appealed unless you allege that the above reason is inaccurate. In such case, please return this form to the Appeals Coordinator with the necessary information.

PERMANENT APPEAL ATTACHMENT-DO NOT REMOVE

Must send current San Q Unit Receipt

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Jose Ybarra	C-18150	PIA	2N13-L

A. Describe Problem: The appellant filing this appeal contends that on 10/25/06, appellant's cell was searched during a total unit search and personal property (Listed below) were confiscated and ultimately lost or destroyed by staff. Power-Breaker on property card \$11.30

PROPERTY LISTED ON MY HOBBY LEDGER:

- 1). One Marble slap 12" x 12" x $\frac{1}{2}$ valued at \$29.99
- 2). Rubber pounding board 12" x 12" valued at \$7.99
- 3). Six Uni-ball Gel Impact Rollerball Pens, valued at \$2.95 x 6 = \$15.54

If you need more space, attach one additional sheet.

continued on attached page

B. Action Requested: Appellant request that he be fully compensated for the loss of said property items.

Inmate/Parolee Signature: Jose Ybarra

NOV 6 RECD

Date Submitted: 10-29-06C. INFORMAL LEVEL (Date Received: 11-20-06)Staff Response: See Attachment.Staff Signature: [Signature]Date Returned to Inmate: 11-20-06**D. FORMAL LEVEL**

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____



1-6-6
current
property
receipt

602
(Appeal denied)

Based on the fact that upon searching cell 2NB on October 24, 2006 I did not see a hobby shop card and inventory sheet posted in the cell. I do recall confiscating the marble shop, it was hidden behind the toilet of the cell.

As for the rubber pounding board and six uni-ball gel pens, I do not recall confiscating these things. However you did not provide any type of proof of this inventory on your Appeal.

- 1. POLY Mallet, 14 oz \$19.99
- 1. RUBBER POUND BOARD 7.99
- 1. MARBLE SLABS 12x12x1 1/2 \$29.99
- 1. 60 WATT BULB 102 80
- 6 UNI-BALL GEL IMPACT
ROLLER BALL PEN \$2.59 X 6
\$15.57



DEPT 77-6910 CHICAGO, IL 60678-6910

BILL TO:

SAN QUENTIN STATE PRISON
HANDICRAFT MANAGER-GERARDH
SAN QUENTIN, CA 94964 USA

TELEPHONE: 309-343-6181
D-U-N-S NO. 00-193-3258
F.E.I.N. 364124121

SHIP TO:

SAN QUENTIN STATE PRISON
HANDICRAFT MANAGER
SAN QUENTIN, CA 94964 USA

INVOICE ALL CORRESPONDENCE INVOLVING THIS INVOICE MUST BE MARKED WITH THIS INVOICE NUMBER.			
CUSTOMER P.O. NO.	INVOICE DATE	INVOICE NO.	
H-3724	4/12/04	3128520	

Ybarra, C-18150 PO. H-3724

ORDER NO.	SOURCE CODE	CUSTOMER NO.	TERMS	DATE SHIPPED	SHIPMENT VIA	DESCRIPTION	UNIT PRICE	EXTENSION
2332043	0410100	8800	NET 30 DAYS FROM INVOICE	4/12/04	GROUND (BUSINESS) FEDEX			
1		25010-1001 (1715700)				PARASCHE VL AIRBRUSH 1/40Z CCUP	5.59	5.59
1		25010-1900 (1716600)				PARASCHE VL AIRBRUSH VLI-MHEAD	14.89	14.89
2		20743-9000				SNEED IMPACT GEL PEN GOLD	2.59	5.18
2		20743-9330				SNEED IMPACT GEL PEN SILVER	2.59	5.18
1		01010-1007 (0802906)				MOORE GUN TURPENTINE 1/2QUART	5.69	5.69
<p><i>VENDOR = 44.48</i> <i>USE TAX = 2.65</i> <i>TWIF = 3.65</i> <i>TOTAL = 50.78</i></p>							<p>REMINDER Payment terms are NET 30 DAYS from invoice date! Your prompt payment is appreciated.</p>	
TOTAL MERCHANDISE				36.53	SHIPPING CHARGES	7.95	SALES TAX	44.48
ITEM-SPECIFIC FREIGHT CHARGES					PREPAYMENT AMOUNT		PAY THIS AMOUNT	44.48

U - Indicates Items substituted For Items Ordered
B - Indicates Items Back Ordered
F - Indicates Items Shipped From Factory
C - Indicates Items Cancelled-Not Available
*Contact Your Customer



DEPT 77-6910 CHICAGO, IL 60678-6910

QUENTIN STATE PRISON
ICRAFT MANAGER
QUENTIN, CA 94964 USA

SHIP TO:

SAR QUENTIN STATE PRISON
HANDICRAFT MANAGER
SAR QUENTIN, CA 94964 USA

TELEPHONE: 309-343-6181

D-U-N-S NO. 00-193-3258

FELIN. 364124121

INVOICE ALL CORRESPONDENCE INVOLVING THIS INVOICE NUMBER MUST BE MARKED WITH THIS INVOICE NUMBER

CUSTOMER P.O. NO. INVOICE DATE INVOICE NO.

H-3200 1/07/03 2243730

YBARRA C-18150 R# H-3200

SOURCE CODE		CUSTOMER NO.	TERMS		DATE SHIPPED	SHIPPED VIA	
0210060		8800	NET 30 DAYS FROM INVOICE		1/07/03	FEDEX GROUND (BUSINESS)	
ITEM	ITEM NUMBER (PREV. CATALOG NO.)	DESCRIPTION		UNIT PRICE		EXTENSION	
3	20743-9330	SWEET IMPACT GEL PEN SILVER		2.55		7.65	
3	23831-0000	KRAZY GLUE GEL		1.99		5.97	
<div>VENDOR - 20.57</div> <div>USE TAX - 0.99</div> <div>IWT - 1.36</div> <div>TOTAL = 22.92</div>							
J YBARRA C-18150							
TOTAL MERCHANDISE		13.62		SHIPPING CHARGES		6.93	
ITEM-SPECIFIC FREIGHT CHARGES				SALES TAX			
PREPAYMENT AMOUNT				PAY THIS AMOUNT		20.57	

U - Indicates Items substituted For Items Ordered

B - Indicates Items Back Ordered

J Ybarra C-18150

U - Indicates Items substituted For Items Ordered
 B - Indicates Items Back Ordered
 F - Indicates Items Shipped From Factory
 S - Indicates Items Cancelled-Not Available
 C - Indicates Items Cancelled by Customer

ALL DISCOUNTS ARE REFLECTED IN THE UNIT PRICE COLUMN

IN CELL HANDICRAFT LEDGER

NO. C18150NAME YBARRAUPDATED 3-8-0173

Date & Order No.	Quan.	Tools & Materials Purchased	Tool Cost	Mat'l Cost	Total Cost	Date Rec'd	Inventory Number	Article	Price	Date Sold
	22	SET CRAFT TOOL STAMP -					1	4 PRONG THONGING CHISEL	4/12/01	
	2	LIFE EYE NEEDLE -					1	3 PRONG THONGING CHISEL	4/12/01	
	1	SET MINIPUNCH					1	1 PRONG THONGING CHISEL	4/12/01	
	1	EXTRA MINI-HANDLE								
	1	EXTRA MINI TUBE								
	1	LACING MAKER								
	1	LACING PLIER								
	1	POLY HEAD Mallet								
	2	EDGE BEVELER								
	1	MARBLE SCAB 12" x 12"								
	1	RUBBER TOOLING BOARD								
	1	SEGMA SNAP SETTER								
	1	CRAFT BONE FOLDER								
	1	SWIVEL CUTTER								
	2	RAZOR BLADES								
	1	CRAFT TOOL ADYCHESER								
	1	MODELING SPOON								
	1	HOBBY WOODEN BOARD 12" x 12"								
H1345	1	RED TOOL BOX								
H1426	1	PRONG CHISEL 3/4" x 4 1/4"								
	1	PRONG CHISEL 8043 4 1/4"								
	1	OBLONG PUNCH 1566 4 1/4"								
	3	STENCIL KNIFE #1217								
H-2814	1	BAR 4 JIFFY SNAP SETTER 2 3/4" x 2 1/4" x 2"								
H-2955	1	GOOSENECK CLIP LOGGY W/ALICE								
H-3454	2	LEATHER SEAR STAMP 0531054 4 1/8"								

[Handwritten signature]
9-04-01
9-04-01

BATCH
902350

STATE OF CALIFORNIA
SPECIAL PURCHASE ORDER
CDC 1060 (Rev. 6/99)

DEPARTMENT OF CORRECTIONS

PURCHASE ORDER NUMBER

E-3721

INMATE'S NAME (Last, First, MI)

YEARBA, J.

INMATE'S SIGNATURE

[Signature]

DATE

2-18-04

CDC NUMBER

C-18150

HOUSING

2N13

NOTE: This form is to be used in ordering items not regularly stocked in the Inmate Canteen, and items that would require the approval of the Warden to purchase. The requesting inmate will be charged 10% over and above the total of this order, excluding tax and freight. This 10% will be deposited in the Inmate Welfare fund. All refunds deposited as a separate transaction, excluding original draft returns and exempt deposits, will be subject to restitution fees. Send all copies to the Procurement Office or designated office.

PAGE	CATALOG NUMBER OR TITLE	HOW MANY	ITEM	COLOR	SIZE	PRICE EACH	TOTAL PRICE	SHIP WT
311	A25010-1001	1	VL 1/4 oz METAL CUP			5.59	5.59	
311	A25010-1900	1	VLM-1 SIZE MULTI HEAD WITH TIP			14.89	14.89	
295	A20743-9000	2	METALLIC GOLD			2.59	5.18	
295	A20743-9330	2	METALLIC SILVER			2.59	5.18	
75	A01010-1007	1ct	CROW PURE GUM TURPENTINE			5.69	5.69	

FIRM / VENDOR (Name and Address)

DICK BLICK

P.O. BOX 1267

GALESBURG, IL 61402

CORRESPONDENT (Name and Address)

YEARBA C-18150

SAN QUENTIN STATE PRISON

SAN QUENTIN, CA 94964

INSTITUTION "SHIP TO" ADDRESS

HANDICRAFT MANAGER

SAN QUENTIN STATE PRISON

SAN QUENTIN, CA 94964

TOTAL FOR GOODS

36.53

TOTAL LBS.

TOTAL OZ.

CA TAX

2.65

POSTAGE

7.95

SUB TOTAL / CHECK AMOUNT

44.48
47.13

CHECK #

DATE

OUT OF STATE TAX

TOTAL WEIGHT IN LBS.

10% TO INMATE WELFARE FUND

3.65

TOTAL

50.78

I AM REQUESTING PERMISSION TO PURCHASE THE ABOVE LISTED ITEMS NOT STOCKED IN THE INMATE CANTEEN. I UNDERSTAND THE COST WILL BE CHARGED AGAINST MY TRUST ACCOUNT. THE PROCUREMENT OFFICER IS AUTHORIZED TO MAKE THE NECESSARY ADJUSTMENTS TO COST, TAX, AND IWF. I FURTHER UNDERSTAND THESE ITEMS MUST BE ORDERED BY THE LISTED CORRESPONDENT AND SHIPPED DIRECTLY TO ME FROM THE ABOVE LISTED VENDOR WAREHOUSE ONLY. I ALSO UNDERSTAND ANY ITEM(S) SHIPPED TO ME FROM THE VENDOR WAREHOUSE MUST HAVE PRIOR APPROVAL AND MUST FALL UNDER GUIDELINES SET FORTH BY THE INSTITUTION. ANY ITEMS NOT AUTHORIZED WILL EITHER BE SHIPPED BACK TO THE VENDOR AT THE INMATE'S EXPENSE, DESTROYED, OR DONATED.

PRINTED NAME AND SIGNATURE OF RECEIVING AND RELEASE SERGEANT OR DESIGNEE

Jose Burgos, MISS I

DATE

2-18-04

SIGNATURE OF FACILITY CAPTAIN OR ASSOCIATE WARDEN (WARDEN'S SIGNATURE IF OVER \$600)

DATE

2/18/04

TRUST OFFICE REVIEW

TRUST FUNDS AVAILABLE

☒

YES

☐

NO

APPROVED

☐

YES

☐

NO

HOLD NUMBER

TRUST OFFICE (Signature)

DATE SIGNED

DISTRIBUTION:

White - Vendor
Canary - Canteen or R & R
Pink - Accounting
Blue - Procurement
Copy - Inmate

BATCH 303464

INMATE/PAROLEE APPEALS SCREENING FORM

NAME: Johnson NUMBER C/3789 SQP LOG No: _____

(OTHER LOG NO) _____ ISSUE: _____ AREA OF ORIGIN: _____

HOUSING UNIT 1N68 NOTE _____

YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

- ☐ 1. The action or decision being appealed is not within the jurisdiction of the Department.
 ☐ a. BPT Issue, file BPT 1040 form & submit to C&PR ☐ b. Other, see comments
- ☐ 2. You have submitted a duplicate appeal on the same issue. Check one:
 ☐ Your first appeal was screened out on _____ for _____
 ☐ Your appeal is currently under review at the _____ level.
 ☐ Your first appeal has been completed at the _____ level.
- ☐ 3. You are appealing an action not yet taken.
- ☐ 4. You may not submit an appeal on behalf of another inmate.
- ☐ 5. You have not adequately completed the Inmate/Parolee Form (CDC 602) or attached the proper documents.
 ☐ CDC-115 Hearing Officer's or Disciplinary Committee Results ☐ Supplemental Reports to CDC-115.
 ☐ CDC-115A with I.E./D.A. info. ☐ CDC-128B1 Hearing Notif. ☐ CDC-839/840 Class/Reclass Score Sheet
 ☐ CDC-128G ICC/UCC Clas. Com. ☐ CDC-128G Init. Clas. Com. ☐ CDC-128G CSR Endorsement Chrono
 ☐ Lab Results Sheet ☐ CDC-114D Lock Up Order ☐ CDC-1030 Confidential Disclosure
 ☐ CDC-7219 Medical Report ☐ Legal Status Summary ☐ CDC-128C Medical Chrono
 ☐ Board of Control Claim Form (attached) ☐ Property Inventory Slip
 ☐ Receipts: ☐ Qtr. Pkg. Inventory Slip ☐ CDC-143 Property Transfer Slip ☐ Cell Search Slip
 ☐ You have failed to complete Section _____ ☐ Sign & Date Section _____
 ☐ Other: _____
- ☐ 6. There has been too great a time lapse between when the action or decision occurred and when you filed your appeal.
- ☐ 7. This issue has been appealed under the assigned SQP Appeal Log No. _____. Per DOM section 54100.10.1, a copy of the reviewer's response: _____ Is attached _____ Will be forwarded to you upon completion
- ☐ 8. Abuse of the Appeal Procedure. See Comments.

Comments: Your appeal is not appropriate for formal level processing. You must provide proof of having received an informal level response prior to submitting this appeal to the Appeals Office, for further processing. Reference CCR section 3084.2(c) which states: Place of Filing. At the formal levels, the appeal shall be forwarded to the appropriate office or appeals coordinator within the time limits prescribed in section 3084.6. NOTE: as of 6/23/97, Appeals Office will not assign log numbers to informal appeals. Appeals will receive a log number upon reaching the 1st formal level if necessary. Please take heed of this notice when preparing future appeals.

Chandler Dacanay
CHANDLER-DACANAY
C-II, Appeals Coordinator

W. Jeppeson
W. JEPPESON
CC-II, Appeals Coordinator

submit current property list
Date 11-1-6

This screening action may not be appealed unless you allege that the above reason is inaccurate. In such case, please return this form to the Appeals Coordinator with the necessary information.

PERMANENT APPEAL ATTACHMENT-DO NOT REMOVE.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

9

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME JOHNSON	NUMBER C13789	ASSIGNMENT pia mattress innerspring	UNIT/ROOM NUMBER 1N68L
-----------------	------------------	--	---------------------------

A. Describe Problem: On Thursday, October 26, 2006, there was a search conducted in North Block's
cells. On Friday, October 27, 2006, my cell (1N68) was searched. Upon being
returned to my cell, I noticed that I was missing several items. I discovered
that several of my hobby items were missing: 1) one 12" x 12" Marble Slab
2) one 12" x 12" Protecto Board
3) one 5½" x 5½" battery-operated
Black Fan

There was no confiscation slip referring to these items. See attached cell hobby
ledger.

If you need more space, attach one additional sheet.

B. Action Requested: I would like these items to be returned.

Inmate/Parolee Signature:

Gerald R. JohnsonDate Submitted: 31 OCT 2006

C. INFORMAL LEVEL (Date Received: _____)

NOV 01 REC'D

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

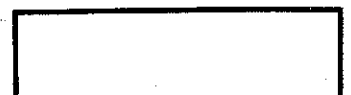
Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-15 Inmate Claim



11-1
need current property receipt

IN CELL HANDICRAFT LEDGER

C13789

NAME Gerald R. Johnson

UPDATED 3-7-01

Case 5:08-cv-02517-JF

Document 1-44

Filed 05/16/2008

Page 3 of 3

[illegible]

**INMATE/PAROLEE
APPEAL FORM**
CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. San Quentin

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME SUMMERS	NUMBER C-49138	ASSIGNMENT P.I.A.	UNIT/ROOM NUMBER 1-N-18L
------------------------	--------------------------	-----------------------------	------------------------------------

A. Describe Problem: ~~The app~~ **The** appellant filing this appeal contends that on 10/27/06, appellant's cell in North Block Housing Unit was searched and during this unit search appellant's personal property was consificated and ultimately lost or destroyed by staff (see: attached property Receipt signed by C/O Winter).

If you need more space, attach one additional sheet.

B. Action Requested: **Appellant request that he is fully compensated for the loss of said personal property items.**

Inmate/Parolee Signature: Charles Summers Date Submitted: 10/30/06

C. INFORMAL LEVEL (Date Received: _____)

NOV 01 REC'D

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



11-1
used property receipts

Inmate Name: Summers CDC #: C49138 Cell/Area: 1 N18

(s)	Reason/Disposition
<u>Excessive cassettes</u>	

Confiscated by: Winter Date: 10/27/06

Distribution: ☐ White - Unit Supervisor ☐ Yellow - Inmate ☐ Pink - Confiscator

INMATE/PAROLEE APPEALS SCREENING FORMNAME: Summers NUMBER C49138 SQP LOG No: _____

(OTHER LOG NO) _____ ISSUE: _____ AREA OF ORIGIN: _____

HOUSING UNIT 1N18 NOTE _____**YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):**

1. The action or decision being appealed is not within the jurisdiction of the Department.
 a. BPT Issue, file BPT 1040 form & submit to C&PR b. Other, see comments
2. You have submitted a duplicate appeal on the same issue. Check one:
 Your first appeal was screened out on _____ for _____
 Your appeal is currently under review at the _____ level.
 Your first appeal has been completed at the _____ level.
3. You are appealing an action not yet taken.
4. You may not submit an appeal on behalf of another inmate.
5. You have not adequately completed the Inmate/Parolee Form (CDC 602) or attached the proper documents.
 CDC-115 Hearing Officer's or Disciplinary Committee Results Supplemental Reports to CDC-115.
 CDC-115A with I.E./D.A. info. CDC-128B1 Hearing Notif. CDC-839/840 Class/Reclass Score Sheet
 CDC-128G ICC/UCC Clas.Com. CDC-128G Init. Clas. Com. CDC-128G CSR Endorsement Chrono
 Lab Results Sheet CDC-114D Lock Up Order CDC-1030 Confidential Disclosure
 CDC-7219 Medical Report Legal Status Summary CDC-128C Medical Chrono
 Board of Control Claim Form (attached) Property Inventory Slip
 Receipts: Qtr.Pkg. Inventory Slip CDC-143 Property Transfer Slip Cell Search Slip
 You have failed to complete Section _____ Sign & Date Section _____
 Other: _____
6. There has been too great a time lapse between when the action or decision occurred and when you filed your appeal.
7. This issue has been appealed under the assigned SQP Appeal Log No. _____ Per DOM section 54100.10.1,
a copy of the reviewer's response: Is attached Will be forwarded to you upon completion
8. Abuse of the Appeal Procedure. See Comments.

Comments: Your appeal is not appropriate for formal level processing. You must provide proof of having received an informal level response prior to submitting this appeal to the Appeals Office, for further processing. Reference CCR section 3084.2(c) which states: Place of Filing. At the formal levels, the appeal shall be forwarded to the appropriate office or appeals coordinator within the time limits prescribed in section 3084.6. NOTE: as of 6/23/97, Appeals Office will not assign log numbers to informal appeals. Appeals will receive a log number upon reaching the 1st formal level if necessary. Please take heed of this notice when preparing future appeals.

Chandler Dacanay
CHANDLER-DACANAY
C-II, Appeals Coordinator

W. Jeppeson
W. JEPPESON
CC-II, Appeals Coordinator

Date

10-1-6

This screening action may not be appealed unless you allege that the above reason is inaccurate. In such case, please return this form to the Appeals Coordinator with the necessary information.

PERMANENT APPEAL ATTACHMENT-DO NOT REMOVE.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Fritscher, Robert	J54718	Food Service Clerk	1N84L

A. Describe Problem: During the recent search I LOST A NUMBER of personal items: 1 PAIR BLACK slippers, 1 cosmetic bag, 1 pair levis, 1 KOOL operator FAN, 1 ETRON AM/FM/CASS/CD player, 1 power strip, 1 extension cord, 2 TV COAXIAL CABLES, 1 splitter, 1 Fitted gray ball cap - I ALSO HAVE 18 photos that were left in a puddle of water and destroyed. This search WAS over the line and personal property was not respected at all, This is in violation of Normal operating procedures per the D.O.M. This is my statement of articles lost check property card for these items Robert Fritscher

If you need more space, attach one additional sheet.

B. Action Requested: I WANT my property returned to me or I want it replaced. The people in charge of this theft and VANDALISM SHOULD Be prosecuted or the very least Reprimanded for their criminal behavior

Inmate/Parolee Signature: Robert Fritscher Date Submitted: 11-06-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

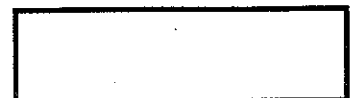
D. FORMAL LEVEL

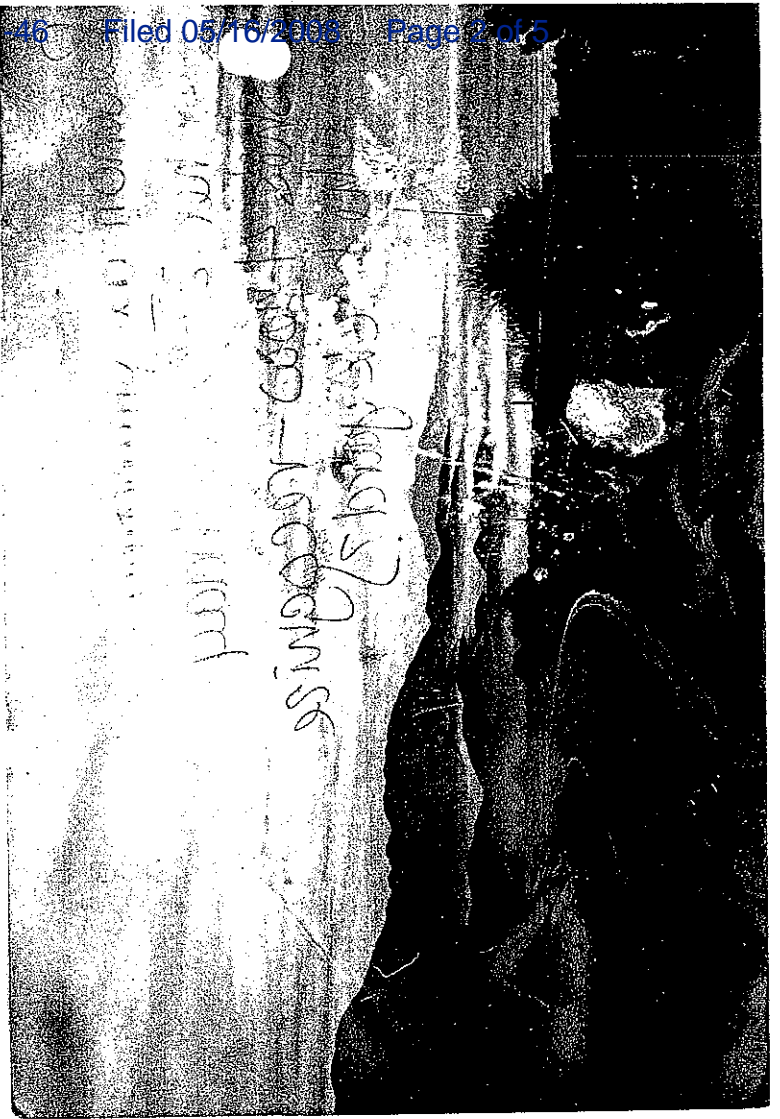
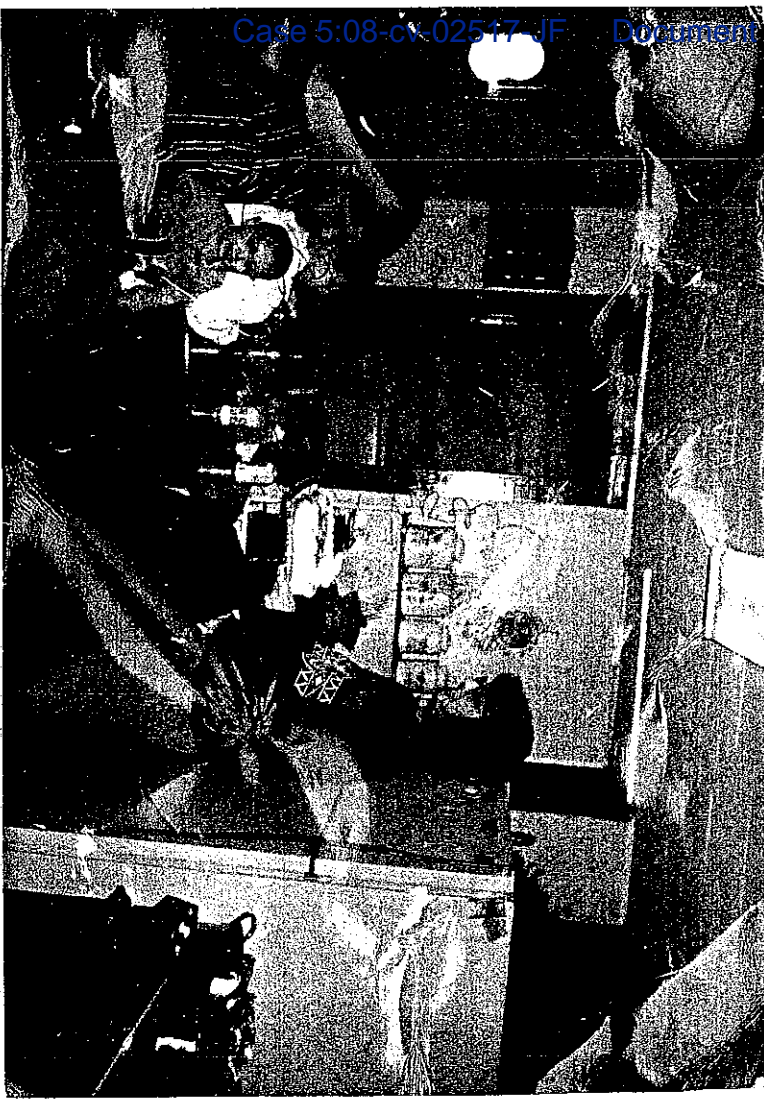
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

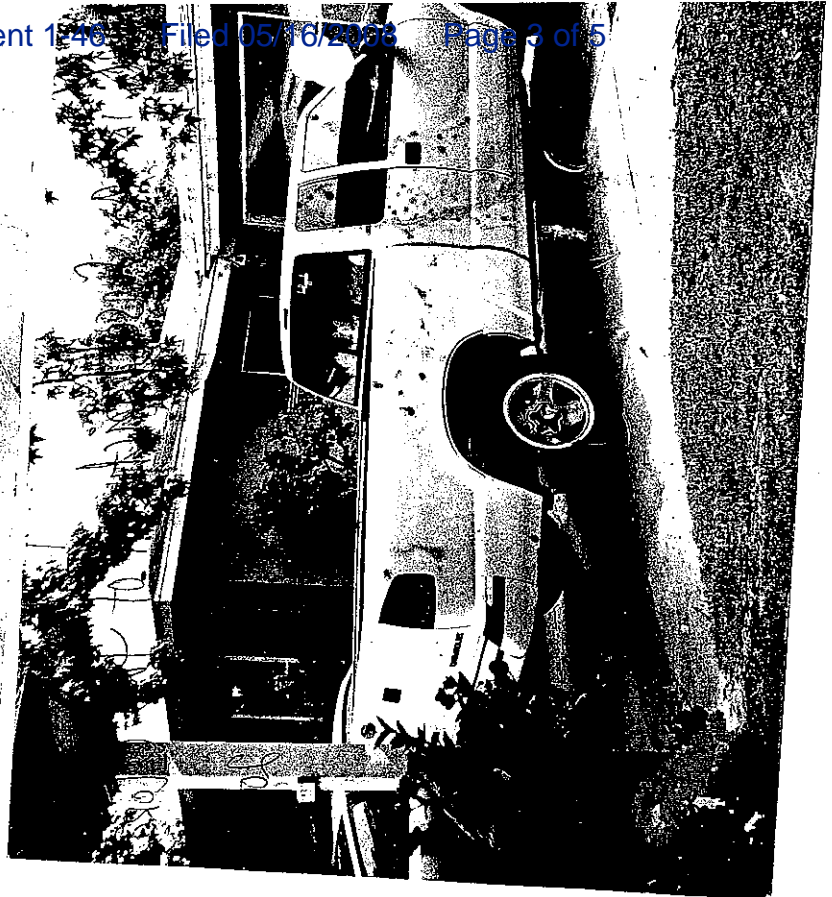
Signature: _____ Date Submitted: _____

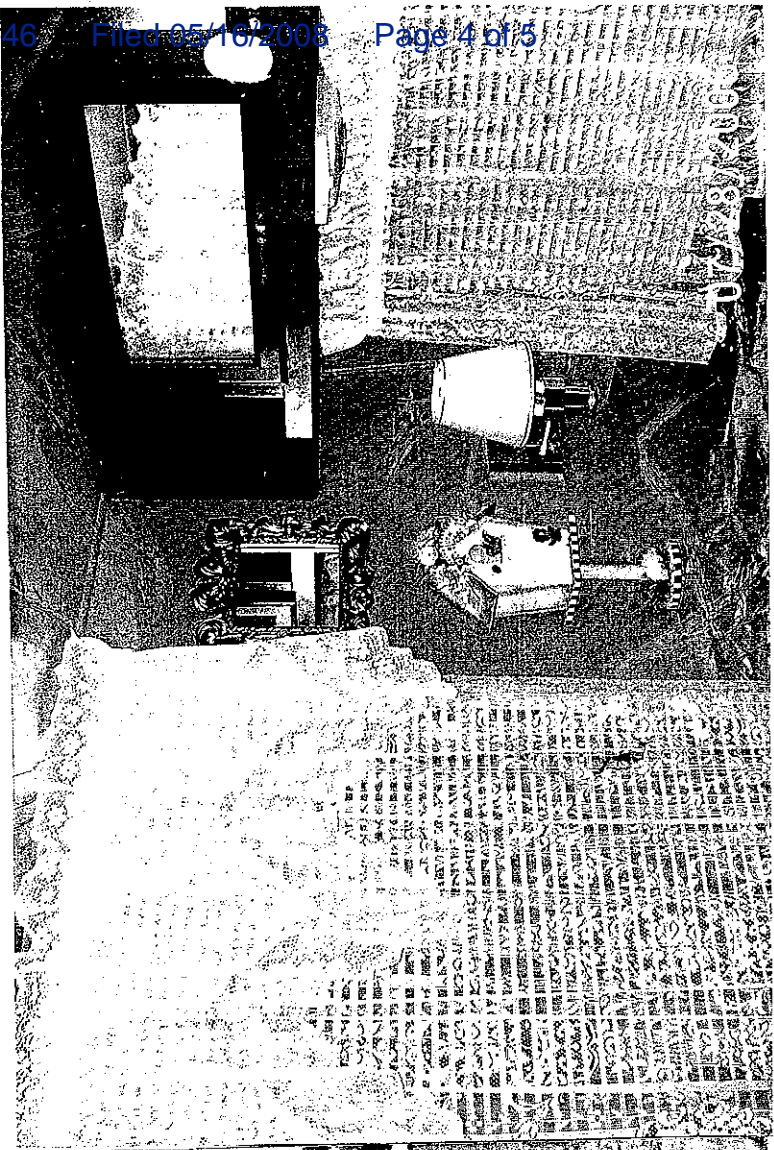
Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

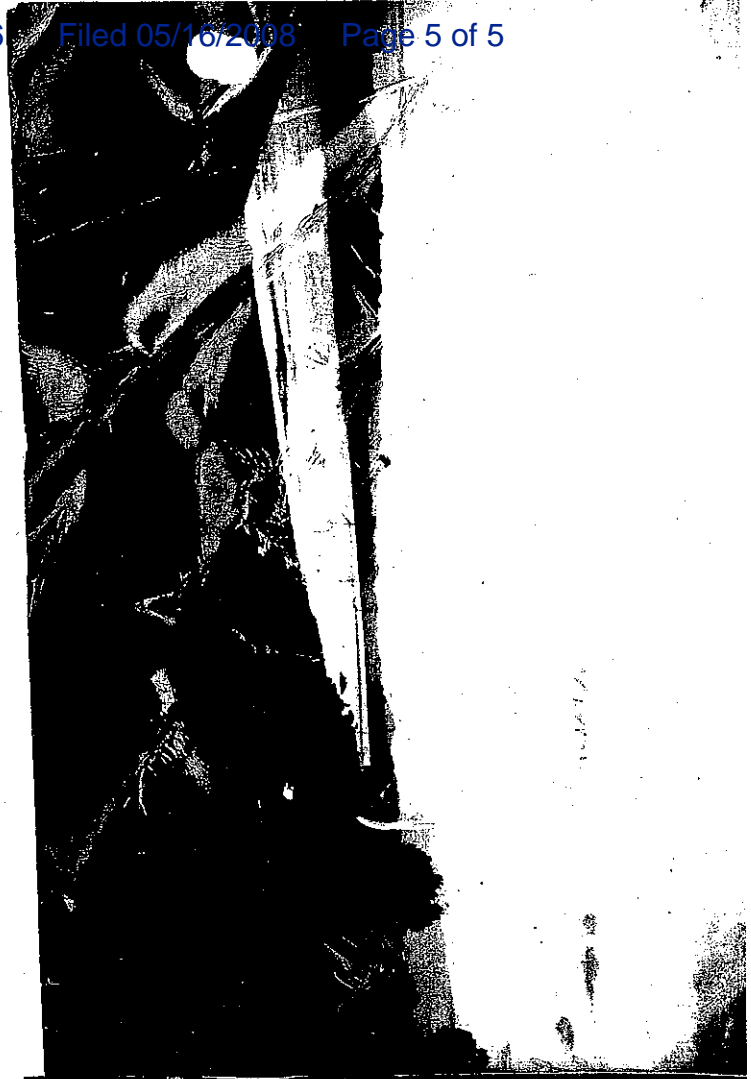
CDC Appeal Number:











**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1 SQ SP

1

PERSONAL PROPERTY

2

2

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
CHARLES SILAS	K83618	PIA/PILLOW/SEWING	2-N-07L

A. Describe Problem: ON 10-27-06 IN NORTH BLOCK DURING A CELL SEARCH I BECAME AWARE PERSONAL PROPERTY WAS MISSING FIRST A (WHITE CASHMERE SCARF) MY PROPERTY CARD PRIOR TO LEAVING HIGH DESERT STATE PRISON THAT ITEM CAN IN FACT BE VERIFIED - RECEIVED FROM A PACKAGE WHILE AT HIGH DESERT STATE PRISON 2005 - ALSO MISSING A PAIR OF GOLD FRAME SEEING & READING GLASSES I PAID FOR THEM WHILE AT HIGH DESERT STATE PRISON THAT CAN BE

If you need more space, attach one additional sheet. I am adding additional sheet →

B. Action Requested: THAT I BE COMPENSATED FOR \$114.00 FOR MY ITEMS TAKEN AS A RESULT OF OFFICERS AT SAN QUENTIN SEARCHING OUR CELLS REMOVING PERSONAL ITEMS

Inmate/Parolee Signature: Charles Silas Date Submitted: 10-28-2006

C. INFORMAL LEVEL (Date Received:)

Staff Response:

Staff Signature:

Date Returned to Inmate:

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature:

Date Submitted:

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



TRAY ACCT. RX# PATIENT GLS INV.# 022835
 4115 A436 107341 K83618 12/13/00 01:18P
 HIGH DESERT STATE PRISON :530-251-5100 O JE 6M
 PIA OPTICAL SOL

GLASS
 R +0.50
 L +0.50

SPHERE CYL AXIS
 34.0 32.5
 34.0 32.5

HORIZONTAL 8.0 VERTICAL 4.0
 DEC INSET OC HEIGHT SEG HEIGHT THINNESS THICKNESS CTR THICK CTR THICK

L 0.5 1.5 22.0 18.0 2.4 2.6 2.7
 L 0.5 1.5 22.0 18.0 2.4 2.6 2.7

LENS STOCK
 L124
 S ST28 SA 67 CLR 6.25 200
 S ST28 SA 67 CLR 6.25 200

FRAME
 L124
 S 839 GOLD/BROWN HART
 S SK 50 18 135/ ST METL 839

SK 50 18 135/ ST METL 839

SK 50 18 135/ ST METL 839

SK 50 18 135/ ST METL 839

SK 50 18 135/ ST METL 839

SK 50 18 135/ ST METL 839

SK 50 18 135/ ST METL 839

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SK 50 18 135/ ST METL 839

SK 50 18 135/ ST METL 839

SK 50 18 135/ ST METL 839

SK 50 18 135/ ST METL 839

SK 50 18 135/ ST METL 839

RT

LT

4115

4115.1

GLASS

BASE TOOLS CROSS

BLOCK

R -5.75 SPHERE 58
 L -5.75 SPHERE 58

FRAME: 839 50/18

TRACER: 6 / 3 12/13/00 12:06
 FCURVES: 6.40 6.40 LT SZ: -0.05
 DVI3d: 0.02 -0.03

A/B/R: 52.4/43.6 28.5/30 26.8/160 26.1/216

CONTINUED 602 IF SON'S PROPERTY (PRISON) HDSP
 VERIFIED BY CHECKING WITH THE (PRISON) HDSP
 THEY WERE PAID FOR BY ME CHARLES SILAS I SIGNED
 AN INMATE WITHDRAWAL FORM AT THE INFIRMARY
 IN SUSANVILLE 2 MONTHS LATER I RECEIVED THE
 GLASSES FORTUNATELY I LOCATED MY EYE GLASS, RECEIPT
 WHICH I AM ATTACHING WITH THIS 602. I WAS
 UNABLE TO LOCATE MY WHITE CASHMERE SCARF
 PROPERTY SLIP BUT AGAIN REP WERE IN SON
 QUENTIN DEFINITELY HAS A RECEIPT I IN FACT
 HAD THAT SCARF. NO DOUBT AS FAR AS I AM
 CONCERNED THOSE TWO ITEMS CAN & WILL BE
 REPLACED. AS A RESULT I WANT TO BE
 "COMPENSATED" FOR THE LOSS. I TRULY CAN'T
 UNDERSTAND WHY A SEARCH WOULD BE RESULTED
 IN THROWING AWAY PERSONAL ITEMS WHICH WERE
 ALLOWED & APPROVED BY BOTH PRISONS, THE
 GLASSES I NEEDED THE SCARF PREVENTED THE
 COLD AIR BOTH ITEMS WERE PAID FOR BY ME.
 MY GLASSES COST \$78.00 DOLLARS MY SCARF
 COST \$35.00 TOTAL COST I EXPECT TO BE
 COMPENSATED IS \$114.00.

Sincerely
 Charles Silas
 K83618 2-N-076
 CHARLES SILAS
 10-28-2006

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

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NAME NGUYEN, Tung	NUMBER J-32587	ASSIGNMENT PTR-1.020 / East Block Porter	UNIT/ROOM NUMBER 4-N-974
-----------------------------	--------------------------	--	------------------------------------

A. Describe Problem: On 10/26/06, a search was conducted in North Block and personal property was taken from my cell for reason stated on the attached ~~copy~~ cell search receipt, (Exhibit "A"). I am the legal owner of said property as shown in the attached ~~copy~~ purchase receipt. This property was shipped directly to the prison from the vendor and issued to me; therefore, the prison's guidelines has been properly adhered to. Despite the reason for confiscating my property, I have not committed any misconduct which could warrant the termination of the privilege to possess that property. Additionally, I can not be held accountable for the negligence of the prison staff at the time of issuance of the property nor

If you need more space, attach one additional sheet.

Continued →

B. Action Requested: To have the speakers disconnected by either prison staff, without liability and/or by an authorized vendor designated by the prison and returned to my leased on the herein circumstance described.

Inmate/Parolee Signature: _____

Date Submitted: _____

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim



was I informed about the restricted requirements, which resulted in the removal of said property from my possession on 10/26/06. I respectfully request that the prison extend the courtesy allowing me to have said property come into compliance to the prison's policy regarding personal property per I.P. #215, and returned to me after:

- ① Having the speakers disconnected by prison staff without liability, or
- ② Having the speakers disconnected by an authorized vendor designated by the prison, with me paying for the total cost through funds available on my prison account.

The process of option #2 is not a "special request" or "exception", because it fell within the category of "repairing broken or damaged appliances", wherein, "the prison will allow inmates to send appliances to authorized vendors for repair with the inmates paying for the costs

Despite the fact that the search was conducted in a manner that directly violates CORC, Title 15, sec. § 3287(a)(2), and subsequent removal of my property, I believe it was the officer's intention, upon taken the property, was to have it become compliance with the prison's I.P. #215. Otherwise, it is justifiable for me to assume that the removal of said property is for punitive measures leased upon the aftermath of the search of my cell, and all North Block inmates as a whole. There are no justifiable cause for the prison to impose a sudden termination of my privilege to possess said property, not when I have not committed any misconduct, not when I am the legal owner of said property, and not when said property presents ~~not~~ threat to the safety and security of the prison, its staff and inmates, if allowed to retain in my possession.



1491 N. Universal Ave.
Kansas City, MO 64120-2139

Case 5:08-cv-02517-JF

Document 1-47

Filed 05/16/2008

Page 6 of 13

PHONE 800-776-5173

PACKING LIS

ACCOUNT #: 0058038340
BILL TO: MYLIEN NGUYEN
APARTMENT # B
8920 TINA WAY
ANAHEIM, CA 92804

ORD.#: P258290901014

SHIP TO:

TUNG NGUYEN
J32587
SAN QUINTIN STATE PRISON
SAN QUENTIN, CA 94974



WHSE LOC	QTY	ITEM NO	DESCRIPTION	UNIT PRICE	EXT PRICE
55 KC20C2	1	240942 03	SONY ZS-X3CP SPORTS CD RADIO BOOMBOX KC	129.99	129.99
55 TP11C1	1	545128 03	MUSICIANS FRIEND 61 KEY KEYBOARD GIGBAG KC	19.99	19.99

01WB20033APRWEB

03 0002804276 01 03

Page 1 Net Product \$ 149.98
(LAST) P & H 10.95
Total Shipment \$ 160.93
Amt Charged to MC 160.93

PICKER _____ PACKER _____

San Quentin State Prison Confiscated Property Receipt

Inmate Name: Nguyen CDC #: _____ Cell/Area: 4N97

Item(s)	Reason/Disposition
<u>Speakers are connected</u> <u>Radio</u>	<u>Speakers are connected, common</u>

Confiscated by: R. Lopez Date: 10/26/03

Color: White - Unit Supervisor Yellow - Inmate Pink - Confiscator

**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

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NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
SMITH, HERMAN	H-40959	Medically un-assigned	3N78L

A. Describe Problem: On October 26, 2006, operating on their collective perceived entitlement, coupled with their mass hysteria and general aversion toward inmates, Captain Fox* along with his colleagues and their minions conspired to conduct a retaliatory search of North Block cells, in order to exert their discerned lost of authority. Captain Fox* in his supervisory position ran the search, tutoring by example, elbow deep in trashing inmates personal property.

Members of this assemblage completely destroyed, defiled, confiscated and or toss out appellants personal property (an itemize cost of all property

If you need more space, attach one additional sheet.

(Continued on attached sheet)

B. Action Requested: That no retaliatory action of any kind be taken against appellant for submitting this appeal. That the monetary value of all personal property destroyed, damaged, confiscated or toss out be reimbursed (an itemize cost

(Continued on attached sheet)

Inmate/Parolee Signature: Herman Smith

Date Submitted: 11-5-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



Continuance

A. destroyed or missing is attached).

Appellants cell appeared as if it had been hit by a tornado, his personal property and that of his cell-mates were all mixed together on the floor of their cell. The destructive crew, failed to leave a receipt for the property confiscated or toss out. Their actions were in violation of the following: Penal Code §§ 182, 186.22; California Code of Regulations Title 15. Sections 3190(a), 3191, 3193, 3287(a)(2)(4); Dom 54030.3, 54030.13, 54030.15.

Captain Fox~~✖~~ and his minions conspired for the sole purpose of conducting their illegal destructive search as a retaliatory object lesson, that's why this particular search was conducted by other than North Block staff.

Implemented corrective measures to prevent this type of abuse were ignored, this search was not conducted in compliance with San Quentin's Institutional Procedure(s) and Departmental policies.

Their conspiracy was committed the moment Captain Fox~~✖~~ and company conscientiously ignored the Departments search procedure policies in favor of participating in their own sadistic retaliation. Thereby, violating the law.

Pursuant to the Definition Penal Code §182

(a) If two or more person conspire:

(1) To commit any crime.

(4) To defraud any person of any property, by any means which are in themselves criminal.

(5) To commit any act injurious to public morals, or to pervert or obstruct justice, or the due administration of the laws.

Notwithstanding subdivision (a) or (b) of Section 182, any person who actively participate in any criminal street gang, as defined in subdivision (f) of Section 186.22, with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, as defined in subdivision (e) of Section 186.22, and who willfully promotes, furthers, assists, or benefits from any felonious criminal conduct by members of that gang is guilty of conspiracy to commit that felony and may be punished as specified in subdivision (a) of Section 182.

The Department's rules regarding this case are contained in the California Code of Regulations Title 15.

§3190(a) Wardens and Superintendents shall establish a list of personal property items and the maximum amount of such items an inmate may have in his or her possession within the institution. Institutions shall permit inmates to possess in their living quarters, personal property items that present no threat to institution security or the safety of person.

§3191 The processing of property that inmates are not permitted to retain in their possession during incarceration shall be accomplished as follows:

Mailed out of the institution at inmates expense.

Donated to a charitable organization.

Donated to the institution.

Render the item useless and dispose of per Dom 52051.

ITEMIZE PRICE LIST OF PROPERTY DESTROYED OR MISSING

12 CD's \$203.40

1 RCA Walkman \$39.99

Total price to replace = \$243.39

Herman Smith #
HERMAN SMITH 11-5-06

HOPKINS / FSCIRE
8895
6130

**INMATE/PAROLEE
APPEAL FORM**
CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

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NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Harper, John	J-78203	FURC2-011 PIA	2-N-101 up

A. Describe Problem: On 10/27/2006, custody staff conducted a search of my cell and when I returned to my cell after the search was over, I noticed that my cell was a mess and three of my personal property items had been removed from my cell. The three items were 1. AIWA AM/FM Cassette player 2. AIWA ear-buds 3. Phazar wrist watch w/ black leather band were missing. No receipt was given for these items, and they are all three listed on my property card. Custody staff totally disrespected my cell as well as my personal property.

If you need more space, attach one additional sheet.

B. Action Requested: I request that San Quentin custody staff return my three missing items, replace items or reimburse me for my loss.

Inmate/Parolee Signature: John Harper J78203 Date Submitted: 11/05/2006

C. INFORMAL LEVEL (Date Received: 11-16-06)

Staff Response: IF you didn't receive a property receipt with said property items on it, I didn't remove them from your cell. ~~IF~~ All the property items removed from your cell were logged on a property receipt.

Staff Signature: [Signature] Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

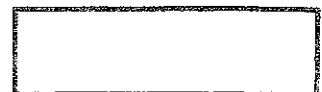
Informal response is nonresponsive to actions requested. Searching officers never let a receipt for the appealed items. Request first level review of appeal and response.

Signature: John Harper

Date Submitted: 11-20-06

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



Inmate's Property Card

Number: J-78203

Name: Harper

Date	Signature	Article
11-15-01	X John Harper	Misc. Food Items, two plastic bowls, misc. cosmetics, misc. legal papers & letters, 1 American outdoors watch, 1 chess set, 1 cribbage board, 1 bible, 1 battery earphones, 1 pair converse tennis shoes, 1 pair reebok shoes, 2 thermal pants, 1 thermal top, two sweat pants, two sweat shirts, 4 shorts, 1 pair levis, 5 pairs socks, 1 blue watch cap, two white ball caps, 1 pair weigh gloves, 1 photo album, 6' coax cable, 1 Zenith 13' color T.V. Ser # 0898
1-2-02	X John Harper	4 QTR. MISC. FOOD.
3/15/02	X John Harper	1 QTR. MISC. FOODS, WATCH (WATCH IT.)
4/23/02	X John Harper	DONATED AMERICAN WATCH
4/23/02	X John Harper	2 QTR. MISC. FOOD
9-27-02	X John Harper	3 POCASE SWATH HAIR CLIPPERS, AWARD CASS PLAYER AM FM, 3 QTR. MISC. FOODS
11/27/02	X John Harper	4 QTR. FOOD
1-21-03	X John Harper	1 QTR. FOOD
4-18-03	X John Harper	2 QTR. MISC. FOOD 1 WHIT CAP, GILY GYM SHORTS,
10-3-03	X John Harper	3 POC FOOD
10-10-03	X John Harper	4 QTR. FOOD
1-28-04	X John Harper	3 POC HEADPHONES & ADAPTER

I hereby acknowledge receipt of the above mentioned articles and understand I must have them in my possession when leaving this institution, unless property removed herefrom by the Receiving and Release Sergeant.

SQ-160-A

INMATE/PAROLEE APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

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NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
WIMBERLY, R.	D-82084		

A. Describe Problem: THE Appellant Filing THIS Appeal CONTENDS THAT ON 10/25/06, Appellant's cell was searched during A TOTAL UNIT search AND personal property (LISTED HERE) were CONFISCATED AND ultimately LOST OR destroyed items, by STAFF.

(A GOLD 14" IN CHAIN ROPE 14 K) PLUS MY Gold Wedding BAND ALSO 14K AND MY WALKMAN IS NOT WORKING ANYMORE AFTER BEING DROPPED OR THROWN ON THE FLOOR. MY EYE GLASSES ARE MISSING ONE OF THE LENS.

If you need more space, attach one additional sheet.

B. Action Requested: Appellant REQUEST THAT HE BE fully COMPENSATED FOR THE LOSS OF SAID property items.

SEE: ATTACH SHEET (1)

Inmate/Parolee Signature: Reginald L. Wimberly Date Submitted: 11/6/06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

To: R. Fox, Correctional Captain
Date: October 25, 2006
Inmate Appeal: continuation Exhibit A

INMATE NAME: *Reginald L. Wimberly* Commitment NO: *D-82084*

In order to create a protected liberty interest in the prison context, a state regulation must use explicit mandatory language, "in connection with the establishment of 'specific substantive predicates' to limit official discretion, and thereby require that a particular outcome be reached upon finding that the relevant criteria have been met." *Hewitt v Helms*, 459 U.S. 460, 472

The fourteenth amendment of the U.S. Constitution reads in part: "nor shall any State deprive any person of life, liberty, or property, without due process of law," and protects "the individual against arbitrary actions of government," *Wolf v McDonnell*, 418 U.S. 539, 558 (1974).

Stated simply, "a state creates a protected liberty interest by placing substantive limitations on official discretion." *Olim v. Wakinekona*, 461 U.S. at 249.

The Department's rules regarding this case are contained in the California Code of Regulations (CCR) Title 15, Section(s) 3190(a), 3191, 3193, 3287(a)(2)(4), DOM 54030.3, 54030.13., 54030.15.

As this particular search was conducted by other than North Block staff (assigned officers and sergeant), corrective measures implemented to prevent abuse of inmate personal property were ignored, and the search was conducted without compliance with San Quentin's Institutional Procedure(s) and departmental policies. The total unit search was supervised by Correctional Captain R. Fox.

In reference to the cell search, CCR 3287(a)(2) reads in part..."Such inspections will not be used as a punitive measure nor to harass an inmate. Every reasonable precaution will be taken to avoid damage to personal property and to leave the inmate's quarters and property in good order upon completion of the inspection." Search staff completely ignored this provision and were disrespectful of inmates personal property and conditions of their living quarters.

CCR 3287(a)(4), also reads,..."The inmate will be given a written notice for any item(s) of personal and authorized state-issued property removed from his or her quarters during an inspection and the disposition made of such property." Again, search staff completely ignored this provision and no written notice for any item(s) taken were provided (see also, DOM 54030.13).

Each employee involved in the handling of an inmate's property shall make the extent of such involvement a matter of record (DOM 54030.3).

The Department assumes no liability for loss, theft, or damage to items of personal property after issue, unless the loss is the result of employee negligence (refer to CCR 3193).